

ACTS
PASSED AT
THE ANNUAL SESSION
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF ALABAMA

December 1847 through March 1848

[Original title page is missing]

LAWS OF ALABAMA.

PUBLIC ACTS.

[No. 1.]

AN ACT

1848.

To provide for the Assessment and Collection of Taxes.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That the following persons and property shall be subject to taxation namely : Property taxed.

First. A poll tax shall be levied on every white male inhabitant of this State between the ages of twenty one and fifty years, whether a citizen or an alien, in the manner hereinafter provided in this act. Poll tax assessed.

Second. All property real or personal of the inhabitants of this State wherever it may be, or of non residents being within this State, and not expressly exempt by law, shall be subject to taxation, as hereinafter provided by this act. All real and personal property taxed of citizens or non-residents.

Third. The terms "real estate" and "real property," as used in this act, shall for the purposes of taxation be construed to include all lands within the State; all buildings and other things erected thereon, or attached or affixed thereto. The term real estate defined.

Fourth. "Personal estate," and "personal property," shall for the purposes of taxation be construed to include all household furniture, goods, chattels, moneys and effects, wherever they may be; all steam boats, ships and vessels, whether at home or abroad; all moneys whether at interest or not; all debts due the persons to be taxed whether in or out of the State, from solvent debtors for money loaned; all public stocks and securities; all stocks or interest in turnpikes, bridges and ferries, and other franchises or corporations in or out of the State; and all income of any trade, profession or employment, together with all Also personal estate.
Steamboats, ships and vessels, moneys at interest or not, all debts in or out of the State, public stocks, turnpikes, bridges, ferries, franchises, corporations, all other property not mentioned under any head.

U. S. Stocks not
taxed nor proper-
ty taxed in other
States.

Polls and prop-
erty exempt.

1st of U. S. & of
this State, of any
county, and of St.
Bank & branches

Lands sold by U.
S. within 5 years

Of literary insti-
tutions, benevo-
lent societies in-
corporated.

Religious houses
tombs, burial
grounds & rights

Revolutionary
soldiers to \$1000
and of soldiers of
war of 1812-14 as
far as it is exempt
from execution.
Indians exempt.

The aged, infirm
and poor exempt.

Lunatic, blind &
insane, or unprof-
itable slaves ex-
empt.

Household furni-
ture under \$200,
wearing apparel,
farming tools, li-
braries & mechan-
ics tools & instru-
ments, practising

other property of whatsoever kind or description not in-
cluded under the head of "real estate," as defined in the
preceding definition. *Provided* that nothing in any part
of this section contained, shall be so construed as to include
stocks of the United States—property paying a tax in any
other State, Territory or Country, or income arising from
any species of property paying a tax to this State, or from
the trade or employment of any artisan or manual laborer.

Section 2. *And be it further enacted*, That the follow-
ing property and polls shall be exempt from taxation
namely:

First The real and personal property of the United
States and of this State, the real and personal property of
any county in the State, and of the State Bank and
Branches.

Second. All lands owned or sold by the United States,
until the term of five years from the day of sale shall have
expired.

Third. All property real or personal of any literary,
scientific, benevolent, or charitable society or institution,
incorporated within this State, actually occupied or used
by any such society or institution or by the officers thereof
for the purposes for which the same was incorporated.

Fourth. All houses of religious worship, and the pews
and furniture of the same; also all tombs, burial grounds
and rights of burial.

Fifth The polls and property to the value of one
thousand dollars of revolutionary soldiers; and the a-
mount of property now exempt from execution, when
the owner of the same is a soldier who served in the war
of 1812 and 1814 in defence of the United States.

Sixth. The polls of all Indians.

Seventh. The polls and estates of persons who by
reason of age, infirmity, or poverty, may, in the judg-
ment of the assessors be unable to contribute to the public
charge.

Eighth. All slaves who may be lunatic, blind or in-
sane, or who may from any other cause be entirely un-
profitable to their owners: *Provided*, that nothing here-
in contained shall be so construed as to exempt any slave
from taxation, by reason of the infancy or youth of such
slave.

Ninth. The household furniture of every person not
exceeding two hundred dollars in value—all wearing ap-
parel, farming and horticultural utensils, libraries, and the
tools of all mechanics necessary to carry on their business,
and all surgical instruments and apparatus belonging to

physicians, surgeons, or surgeon dentists, actually engaged in the practice of their profession

surgeons & dentists.

Section 3. *And be it further enacted*, That for enrollment and assessment of all property subject to taxation, each county in this State shall be divided into convenient districts, to be known as, and styled assessment districts. Each district shall be defined by proper metes and boundaries and the number of districts in any one County shall not be more than ten nor less than three. Each district shall be designated by its name or number, and so registered with its proper metes and boundaries, by the Clerk of the County Court in suitable books to be procured and kept for that purpose; which books shall be called the assessment books, and in them shall be entered and recorded all enrollment and assessment lists, and all other entries and records connected with levying and collecting the taxes of the County. And said assessment books shall, under the control and direction of the clerks, at all times free of cost or charge, be open to the inspection of any officer of the State, or any tax payer in the county.

Counties divided into district with proper boundaries, not more than ten nor less than three.

To be registered by the clerk in books of assessment.

In which shall be entered all things relating to the levy and collection of taxes.

Said books to be open to State officers and tax payers.

Section 4. *And be it further enacted*, That it shall be the duty of the Commissioners Court in each County of the State to cause their respective counties to be divided into districts as provided in the preceeding section by the first Monday of May next, and said courts shall have power to change the boundaries of said assessment districts, as convenience may require: *Provided*, That not more than one change in the boundaries of a district shall be made in any one year, or more districts to be made in any county than is allowed by the preceeding section.

Counties to be divided into districts by the first Monday in May.

The bounds may be changed not more than once a year.

Section 5. *And be it further enacted*, That if the Commissioners Court in any County in this State, shall refuse or fail to district their County, as required of them to do in the preceeding section, each member of said court shall be fined in a sum not exceeding one thousand dollars, and not less than one hundred dollars, to be recovered by motion of the Attorney General or Solicitor, in the Circuit Court of the County, on three days notice. *Provided*, That it shall be competent for any member of said Commissioners Court on the trial of any such motion to shew that he had endeavored to discharge his duty as therein required, but that he was prevented by the failure of other members of said Court, or other cause beyond his control, in which event he shall be excused from the fine by this section imposed.

If the Com. court fails to district the county, the members may be fined not over \$1000 nor less than \$100 by the circuit court, unless he shows he was prevented by other members.

Section 6. *And be it further enacted*, That it shall be the duty of the Attorney General, and the several Solicitors of this State to see that the duties enjoined by the pro-

The At. Gen. and Solicitors to see duties enforced.

visions of this act upon the officers in the several counties of their respective circuits shall be enforced.

Judges co. courts
and com'srs. to
name assessor for
the county & 1 for
each district on
1st May next and
thereafter on 1st
Jan. and if they
disagree choose
an umpire.

Section 7 *And be it further enacted*, That in each county of the State the Judges of County Courts and Commissioners of Roads and Revenue, shall on the first Monday in May next, and thereafter, on the first Mondays in January in each year, name one assessor for the county, and one for each district; and in case of disagreement between the assessors, they shall choose an umpire.

Collector to be
elected on first
Monday in Aug.
for one year.

Section 8. *And be it further enacted*, That on the first Monday of August in each and every year, there shall be elected by the qualified electors in the several counties in this State, a collector of the taxes in each county, whose term of service shall commence on the first day of May after his election and continue one year therefrom, and who shall before he enters on the discharge of the duties of his office take and subscribe before some person qualified to administer the same, an oath as follows, to-wit: I

My oath.

do solemnly swear (or affirm, as the case may be,) that I will faithfully, and to the best of my skill and ability, perform the duties of tax collector for the county of _____; which oath shall be certified by the officer before whom taken, and returned to the Clerk of the County Court, who shall carefully file and keep the same.

Present collectors
to give bond and
to act.

Section 9. *And be it further enacted*, That the collectors of taxes now in office under the existing laws shall for the term for which they were elected, perform all the duties and be subject to all the liabilities imposed by this act, and shall be required to give bond in conformity with the provisions of the same.

Vacancies in the
office of collector
to be filled by the
commissioners.

Section 10. *And be it further enacted*, That whenever any vacancy may exist whether from a failure to elect, the expiration of a term of service, or from any other cause whatever, in the office of tax collector or assessor, either for the County or any district, such vacancy shall be filled by the Commissioners Court.

Collector's bond.

Section 11. *And be it further enacted*, That every tax collector before entering on the duties of his office, shall enter into bond with good and sufficient sureties in double the probable amount of the taxes of his county, payable to the Governor of the State of Alabama, and his successors in office, conditioned for the faithful performance of his duties

Section 12 *And be further enacted*, That every assessor whether for the county or any district, shall before entering upon the discharge of the duties of his office, take and subscribe before some person competent to administer the same, an oath as follows, to-wit: I

do solemnly swear (or affirm as the case may be) that I will to the best of my skill and ability, dilligently and faithfully execute the duties of said office, as required of me by law, without favor, affection, or partiality; which said oath shall be regularly certified by the person administering the same, and returned to the Clerk of the County Court, by whom it shall be carefully filled and kept.

Assessor's oath.

To be kept by the Clerk.

Section 13. *And be it further enacted,* That every assessor, whether for the county, or any district, before he enters upon the discharge of the duties of his office shall enter into bond, the county assessor in the sum of one thousand dollars, and the district assessors in the sum of five hundred dollars, payable to the Governor of the State of Alabama, and his successors in office, conditional for the faithful performance of his duties.

County assessor to give bond in 1,000 doll.

Dist. assessors in \$500.

Section 14. *And be it further enacted,* That the official bonds of tax collectors and assessors shall be executed in duplicate, and returned to the Clerk of the County Court in the county in which the collector or assessor executing the same resides; one copy of which the clerk shall record and file in his office and the other he shall forward to the Comptroller of Public Accounts to be by him filled and kept.

Bonds to be executed in duplicate.

One for the County Clerk and one for the Comptroller.

Section 15. *And be it further enacted,* That all official bonds of tax collectors and assessors, shall be taken and approved by the Commissioners Court in the following manner, to-wit:

Bonds to be approved by the Commr's Court, and how.

The word "approved" shall be written across the face, or on some other part of the bond which cannot be detached or erased without violence to the body of the bond, under which each member approving the same shall sign his name; and each member who shall not approve, shall enter his objections thereto on the minutes of the Court, or he shall be considered as having approved the same; but no bond shall be considered as approved until three of said Commissioners with the Judge shall have signed the approval thereof.

Section 16. *And be it further enacted,* That the Commissioners Court shall whenever they deem it advisable, require additional bonds of any such assessor or collector.

Commrs to require additional bonds, if advisable

Section 17. *And be it further enacted,* That the bond of the tax collector shall in law be a lien in favor of the State from its date, on all the property, real and personal, of said collector, for the amount of the taxes collected by him; which lien shall continue in force until the taxes shall be paid into the Treasury of the State; and said bond shall in like manner be a lien on the property real, and personal, of the sureties of said collector from the date of his default.

Bond to be a lien on all the property of the collector and his sureties.

Comptroller at the next term of cir. or co. court to move against defaulters in Montgomery co. or in co. where defaulters reside, and against his sureties & the court shall render judgment on proof of 15 days notice or when he absconds or secretes himself.

Certificate of the Comptroller of the amount unpaid and certified copy of the bond *prima facie* evidence.

After 1st Aug the collector to collect taxes and if not paid by the 1st of Nov. to distrain.

Deed of mortgage or other lien not to prevent distress and if taxes and costs not paid in 10 days to sell.

No distress until demand made.

Collectors to account by 1st Dec. and pay into the treasury of the State the full amount of taxes.

Section 18. *And be it further enacted,* That it shall be the duty of the Comptroller of Public Accounts, within twenty days after the default of any tax collector, in not paying into the Treasury the taxes collected by him, or at the next term of the Circuit or County Court of Montgomery County, or of the County in which the defaulting collector resides, to move the Court for judgment against him and his sureties for the amount of the taxes not paid into the Treasury, and the Court shall render judgment for such amount, on proof of fifteen days notice to the Collector, against him and his sureties, or when the collector absconds or secretes himself, or when the notice is returned "not executed," as against him, then against such of his sureties as may have been notified of the intended motion; and the certificate of the Comptroller, of the amount of taxes unpaid, shall be evidence *prima facie*, of the fact, and a certified copy of the bond of the tax collector, whether by the Comptroller or the Clerk of the County Court, shall have the same force and effect, *prima facie*, as if the original bond were produced in Court.

Section 19. *And be it further enacted,* That it shall be the duty of the Collector in each county from and after the first day of August annually, to collect and receive from every person or persons, chargeable therewith, the taxes imposed by law in his county; and in case payment be not made or received, on or before the first day of November annually, the collector shall have power to distrain the slaves, goods and chattels, which shall be found on the lands or in the possession of the person so indebted, notwithstanding such slaves, goods, or chattels, may be comprised in any deed of mortgage, or may be under any other lien, and if the owner thereof shall not pay the taxes due, within ten days after such distress, he shall sell the same, or so much thereof as may be sufficient to discharge all the taxes due, and the costs and charges for distress and sale, but there shall be no distraining of the slaves, goods or chattels, of any person for taxes, until payment thereof shall have been demanded from such person, if he or she can be found in the county, which demand shall be made either of the party personally, or at his or her usual place of abode. Each Collector shall account for and pay into the Treasury of the State, on or before the first Monday of December annually, the full amount of the taxes by him collected, deducting therefrom all allowances made by law, and his commissions for collecting as fixed by law; and upon default in payment herein required, he shall be proceeded against as is provided in section eighteen of this act. And the court upon motion so made and sustained shall ad-

judge damages at the rate of ten *per centum*, and interest at eight *per centum, per annum*, on the whole amount of taxes found to be due, together with costs of the motion and expenses of the notice.

Section 20. *And be it further enacted*, That it shall not be lawful for any tax collector, at any sale for taxes due, made by himself under distress or otherwise, to be a bidder, either directly or indirectly for, or purchaser of, any property real or personal; and any and every collector violating the provisions of this section, shall forfeit and pay to the use of the State, double the value of the property bid for or purchased, to be recovered before any Court of competent jurisdiction, on motion of the Attorney General, or Solicitor of the Circuit, after three days notice to such collector, and all purchases so made by any tax collector shall be void in law.

Section 21. *And be it further enacted*, That the poll tax shall be assessed upon each taxable person in the district of which he shall be an inhabitant at the time of each annual assessment.

Section 22. *And be it further enacted*, That all taxes on real estate shall be assessed in the district where such estate lies to the person who shall be either the owner or in possession thereof, on the first day of March preceeding each annual assessment, and in cases of mortgaged real estate, the mortgagor shall for the purposes of taxation, be deemed the owner, until the mortgagee shall take possession of the same, after which the mortgagee shall be deemed the owner, and all personal estate shall be assessed to the owner, agent or possessor, in the district where the same was on the first day of March preceeding the annual assessment of the same.

Section 23. *And be it further enacted*, That all stocks, moneys loaned, debts due, whether in or out of the State, shall be assessed to the owner, in the district of which he is an inhabitant.

Section 24. *And be it further enacted*, That partners in merchandizing or other business, whether residing in the same or different districts, may be jointly assessed and taxed under their partnership name, in the district where their business is carried on, for all personal property owned or employed in such business; and if they have places of business in two or more districts they shall be assessed and taxed in those several districts for the proportions of property employed in such districts respectively, and being so jointly assessed and taxed each partner shall be liable for the whole tax.

Section 25. *And be it further enacted*, That the County assessor assisted by the district assessors, in their respec-

Collector not to bid or purchase at his own sale on pain of forfeiting double the value of the property bid for or purchased, to be recovered by the Att. Gen'l or Solicitor on 3 days' notice, and the purchase to be void.

Poll tax to be assessed on persons in the dist. at the time of the assessment.

Real estate to be assessed where

Mortgagor of real estate to be held to be the owner until the mortgagee takes possession.

Personal estate to be assess'd where

Stocks, &c. how assessed.

Partners may be jointly assess'd in the district where the business is done.

Each partner liable for the whole tax.

County and dist. assessor to list all property liable to tax before 1st Aug

If necessary to visit the house of every tax payer and require a list under oath.

From which the assessment shall be made. They shall register the same in books, formula to be furnished by Compt.

By 1st May and Jan. Compt. shall furnish assessors with forms for registering, shewing the property and name of tax payer and be returned by districts in bound books and so ruled as to shew in separate heads the property and names in alphabetical order.

If any person fail for 10 days to give a list, the assessors to make one.

And unless the delinquent show a reasonable excuse for his failure to be taxed.

Ass. of real and personal prop. to be entered in separate books to show, 1. the name

tive districts. shall before the first day of August in each and every year, list and assess all property real and personal liable to pay tax in his county according to the rules and regulations prescribed by law. And it shall be the duty of the assessors to visit the residence or usual place of business if necessary, of every tax payer resident in any district of the county, and require of him or her, a list of his or her taxable property, real and personal, which list shall in all cases be by the party giving it in verified on oath, which may be administered by either of the assessors; from which list the assessors shall make an assessment of all property contained therein, and register the same in their assessment books under proper heads, agreeably to such formula as may be furnished by the Comptroller of Public Accounts.

Section 26. *And be it further enacted*, That by the first day of May next, and by the first of January in each and every year thereafter, the Comptroller shall furnish the county assessors in the several counties of this State for their guide and government in assessing the taxable property in their respective counties, suitable formula for registering the various descriptions of property by them assessed; which formula shall as far as may be practicable, exhibit at one view the various species of property taxed; the amount of tax paid on each; together with the name of the party to whom assessed. And the assessment of all personal property shall be returned by districts in suitable books substantially bound, and so ruled as to present under separate and distinct heads the different species of property taxed, and the names of the parties to whom assessed in alphabetical order.

Section 27. *And be it farther enacted*, That if any person shall fail for ten days after notice, which notice may be personal, or left at his or her usual place of abode, to give a list of his or her taxable property, the assessors shall ascertain as nearly as possible the particulars of the real and personal estate in his or her possession as owner or otherwise, and make an assessment thereof according to their best information and belief, which assessment shall be conclusive against all persons who shall not have seasonably brought in lists of their taxable property; and unless they can shew a reasonable excuse, to be judged of by the Commissioners Court, or the assessor of their district, they shall be trebly taxed therefor.

Section 28. *And be it further enacted*, That the assessments of real and personal property shall be entered in separate books, substantially bound and suitably ruled. The book for real estate shall shew in separate and properly arranged columns. *First*, the name of the party

to whom assessed. *Second*, a description of the estate. *Third*, the contents. *Fourth*, the valuation, and, *Fifth*, the amount of the taxes assessed. The description of all real estate shall be as far as practicable by township, range, section and sectional divisions and subdivisions; but when this cannot be done, the assessor shall adopt such description as will most conveniently identify the estate to be assessed. When there are several tracts or parcels of land belonging to the same individual lying contiguous and forming one entire tract, the whole may be included in one aggregate valuation, and so extended; and if lying in two or more counties, shall be assessed with all the other property therein in the county in which the larger portion of the estate may be.

Section 29. *And be it further enacted*, That the assessors may know what lands are chargeable with tax it is hereby made the duty of the Governor of the State and Comptroller of Public Accounts, to procure in substantially bound books from the several land offices in this State, or the General Land Office, registers of all lands in each county, to which the title of the General Government has been extinguished; shewing, *First*, the purchaser, grantee or reservee, and number of certificate. *Second*, a description of the tract, and *Third*, the date of sale. These registers shall be carefully kept in the office of the Comptroller, and he shall have duplicates thereof, furnished the several Clerks of the County Courts, shewing the lands within their respective counties; which duplicate registers shall be carefully kept in their respective offices, and the said Clerks shall before the first day of May, eighteen hundred and forty-eight, and on or before the first of January annually thereafter, furnish copies of the same to the county assessor, whose duty it shall be to see that each tract or parcel therein shall be properly assessed, unless the same be especially exempt by law.

Section 30. *And be it further enacted*. That in addition to the registers of land to be furnished the Clerks of the County Courts, of the several counties of this State, the Governor of the State and Comptroller shall have made and furnished to each Clerk, a map of each township and fractional township in his county, which map shall be so divided, as to shew the divisions and subdivisions of sections; and each sectional division and subdivision to which the title of the General Government has been extinguished for five years, shall be marked with the letter P; which map shall be on good paper and substantially bound; and when furnished with said maps as aforesaid, the Clerks shall enter in the face of the several tracts represented by

2. estate. 3. contents. 4. value & amt. tax assessed.

Gov. and Comptroller to furnish registers showing
1st the purchaser
2d a description.
3d date of sale,
to be kept in the Comptroller's office.

Clerks to furnish copies to county assessors.

Gov. and Comptroller to furnish the Clerks with a map of each township.
On good paper & well bound.

Clerks to enter on the face of maps the name to whom assessed.

And note changes in the title as they are offered for record.

said maps, the name of the party to whom said tract stands assessed, in the assessment register, and shall from time to time note such changes and transfers of title to said lands as may be offered for record in his office.

Gov. & Comp. to employ agent or agents to procure registers.

Section 31. *And be it further enacted* That to procure the registers of lands, to which the title of the General Government has been extinguished in the several counties of this State, and the maps as contemplated and required in the two preceeding sections of this act, the Governor of this State and Comptroller shall have power to make such contracts and employ such agent or agents as may be necessary thereto.

Registers of land to which the title of Gen. Gov. is extinct to commence with lowest no. 1. S. & R. and continue in numerical order, and the registers of assessors to conform thereto.

Section 32. *And be it further enacted.* That for convenience of reference and comparison, the registers of land to which the title of the General Government has been extinguished in the several counties, shall commence with the lowest number of townships, range and section, and be continued in regular numerical order, and the registers of assessors shall in the order of entering assessments of real estate be made to conform thereto.

By 1st Aug. co. assessors to return ass. reg. to clerks and when corrected by com. court, clerk to make 3 copies & file away original for inspection of state officers and tax payers.

Section 33. *And be it further enacted,* That the county assessors shall annually on or before the first day of August, make return of their assessment registers to the Clerk of the County Court, and after the same has been examined, compared and corrected by the Commissioners Court, the said Clerk shall make three fair copies thereof, one of which he shall hand to the tax collector; one to the Treasurer of his county; and forward the other forthwith to the Comptroller of Public Accounts; and the original he shall file in his office; and the same shall always be open to the inspection of all State officers, and the tax payers of each county, free of cost or charge: and for the making of such copies the Clerk of the County Court shall receive such compensation as the Commissioners Court may allow.

Com'rs. to allow compensation to clerks.

Clerks to sum up on each page the amt. of each article & amt. of tax on each, and sum total in each dist. and in all the dists. of the county.

Section 34. *And be it further enacted,* That the Clerks of the County Courts in the several counties of this State, shall sum up on each page of the original assessment register, and each copy of the same, which by the preceeding section they are required to make, the sum or amount of each article of taxable property, and the amount of tax assessed on each, and the sum total thereof in each assessment district, and the sum total of the same in all the districts of his county. And if any County Clerk shall return any copy of any assessment register to the office of the Comptroller without having summed up the same as herein required, said Clerk shall be liable to a fine of fifty dollars, to be recovered on motion of the Comptroller, in the Circuit Court

If not summed up clerk to pay a fine of \$50.

of Montgomery county; or on motion of the Solicitor, in the Circuit Court of the county where such Clerk may reside, on proof of ten days notice to said Clerk.

Section 35. *And be it further enacted*, That on the first Tuesday after the first Monday in August, in each and every year, there shall be holden a special term of the Commissioners Court, in the several counties of this State, for the purpose of examining and correcting the assessment registers, as returned by the respective county assessors: and it is hereby made the especial duty of said Courts, carefully and thoroughly to examine and compare the assessment registers, as returned by the County assessors, with the registers of lands to which the title of the General Government has been extinguished, that they may ascertain whether all the real estate subject to taxation in their counties has been assessed. They shall also examine and compare the valuation of lands in the several districts, with a view to ascertain whether the valuation of the different assessors has been uniform and equal, and if found otherwise to an extent that will work manifest injustice to the tax-payers of any one or more districts; the discrepancies in valuation shall be corrected by the board of equalization, in such manner as to them shall seem most equitable and expedient.

Special term
the Commission
Court to be held
to correct the as-
sessment register.

To compare the
assessment register
with the register
of lands.

To ascertain
whether the val-
uation has been
uniform & equal.

Examining and
correcting discre-
pancies by board
of equalization.

Section 36. *And be it further enacted*, That the Commissioners Court with the County assessor, shall constitute a board of equalization, whose duty it shall be to correct and equalize any material discrepancies that shall be brought to their notice in the valuation of lands, as between the different districts or different individuals in the several districts; and they shall have full power to correct any inequality, irregularity, or injustice that may occur in the valuation of the assessors. *Provided*, that all complaints of parties aggrieved by the valuation of assessors, shall be brought before the first meeting of the board after the valuation and assessment complained of, after which no correction, or abatement shall be made. And all changes made by the board of equalization, shall be noticed on the assessment register before it is placed in the hands of the Collector, for collection of the taxes; and said board shall hold its meeting on the second Monday in August, and as often thereafter as they may deem expedient.

Commissioner's
Court to be a
board of equali-
zation,

Complaints to be
made at the first
meeting after the
valuation, & not
afterwards.

Changes to be
made on the reg-
ister.

Board to meet.

Section 37. *And be it further enacted*, That the Governor, Secretary of State, Comptroller of Public Accounts, and State Treasurer, shall constitute a board of equalization for the State, whose duty it shall be, carefully to examine and compare one with another the annual assessment books, as returned to the Comptrollers office from

Gov. Sec. Comp.
and Treas. to con-
stitute a board of
equalization for
the State.

To examine the
assessment books

and correct omissions and discrepancies.

By ordering new valuation or appointing an agent for that purpose.

If in the judgment of the board the assessment be too low the Comptroller shall issue warrant to Court who shall levy such a per cent. as will up the deficit.

Each member refusing to obey the warrant of Comptroller, of deficit.

To be recovered on motion of Attorney General or Solicitor.

Real estate when no occupant or owner, to be assessed to "owners unknown," & if tax not paid collector to sell.

Land of decedents to be assessed to his or her estate. Per. prop. of decedents liable for tax to distress.

the several counties of the State; and if upon such examination and comparison, or by any other reliable information, there shall be brought to their notice any material or important omissions or discrepancies, or abuse in the valuation and assessment of any particular species of taxable property in any county in this State, said board shall have the same corrected, either by ordering a re-valuation by the former assessors, or by appointing a special agent for that purpose, which agent shall be allowed such compensation, as may be fixed or agreed on by said board.

Section 38. *And be it further enacted*, That if the taxes in any county shall have been collected on any property, which in the judgement of the State board of equalization shall have been valued and assessed too low, the Comptroller of Public Accounts, upon a report thereof from said board of the deficiency of tax by reason of such undervaluation, shall issue his warrant to the Commissioners Court of such county, directing and requiring them to collect the amount of such deficiency; which said court shall levy such a *per centum*, on the amount of the next annual assessment of tax for their county, as will make good to the State the deficit caused by such undervaluation; and if any court shall refuse, or fail, to obey any such warrant of the Comptroller of Public Accounts, each member thereof so refusing or failing, shall forfeit and pay to the use of the State, a fine equal to one-third of the amount of deficit directed by such warrant to be levied, to be recovered on motion of the Attorney General, before the Circuit Court of Montgomery county, or on motion of the Solicitor in the Circuit Court of the county, where the Commissioners may reside, on proof of fifteen days notice to the party moved against; and the Comptroller shall from time to time, re-issue his warrant to said Commissioners Court, until the amount shall be levied and collected as the law requires.

Section 39. *And be it further enacted*, That real estate, of which there is no person in possession, and the owner whereof cannot be ascertained, shall be assessed to "owner unknown." and if the tax thereon be not paid as required by law, the collector shall sell so much of said land, as may be necessary to pay the taxes due and the costs of sale; and every such sale shall be governed by the same rules, and subject to the same conditions as other sales of real estate, for the payment of taxes.

Section 40. *And be it further enacted*, That the lands of decedents shall be assessed to his or her estate, until it shall appear on record in the office of the Clerk of the county Court, of the county where the land lies, to whom such land ought to be transferred on the assessment books,

and in the mean time, the personal property of the estate shall be liable to distress for the payment of taxes due thereon.

Section 41. *And be it further enacted*, That if there shall come to the knowledge of any tax collector, or assessor, any real estate that has not been regularly given in, and taxes paid thereon for former years, it shall be the duty of such collector, or assessor, to assess and charge to the person omitting to pay the tax in arrears the full amount of taxes for so many years, as he may be in arrears: *Provided*, nothing herein contained shall be so construed as to interfere with the title of any *bona fide* purchaser: *And provided further*, no compensation of arrearages shall extend further back than the first day of January, one thousand eight hundred and forty three.

If collector discovers land not taxed in former years, he shall assess arrearages & collect them.

Prov. arrearages not to go back further than 1842.

Section 42. *And be it further enacted*, That it shall be the duty of each assessor and collector, strictly and diligently to inquire how far the taxes of former years have been assessed and paid on the real estate in their respective counties or districts. And they shall also make like inquiry as to personal property; and if there be any found, that has not been regularly assessed, and the taxes thereon paid as required by law, such personal property shall be assessed and charged with all arrearages of taxes due thereon which shall be collected, as is provided in similar cases of default or omission in the real estate, out of the party guilty of such default or omission.

Assessors & collectors to inquire diligently as to arrearages on real & personal property and collect the same.

Section 43. *And be it further enacted*, That if any person shall give into the assessors, a false list or account, of any property, under his or her management, in his or her possession, with intent that the payment of the just assessment, or rate of tax on any property may be avoided, such person shall forfeit and pay a fine of not less than one hundred, or more than one thousand dollars, upon conviction thereof by indictment before the Circuit Court of the county, where such false list or account was given, or if in Mobile county, before the Criminal court of said county, to be assessed by the jury trying the same.

Persons making a false list to avoid their taxes, to be fined, upon conviction, in the circuit court, or in Mobile, in the criminal Court.

Section 44. *And be it further enacted*, That if any person who ought to be assessed by virtue of any revenue law of this State, shall by removing his or her effects, or shall by fraud or device, avoid the payment of his or her tax, the party so avoiding, shall upon conviction thereof by indictment before the Circuit Court, either in the county in which he or she may reside, or in which he or she ought to have been assessed, or if in Mobile county, before the Criminal Court of said county, be subject to the same pains and penalties as are provided in the preceding section, for giving in a false list or account of taxable property.

For fraud or device in avoiding taxes, punishable in the same way.

Insolvents & removals to be returned by collector to the Comrs Court, who shall correct and approve it, when the Clk shall transmit the list to the Comp. by the 1st Mon. in Dec with the amount due and he shall have credit on books of the Comp. for it. His account to be sworn to.

Comp. shall transmit the account of those who have removed to the co to which the removal is made, & charge the collector who shall account for same in his next annual settlement.

After 3 months the collector to have no credit on the books of the Comptroller.

Rules for estimating value.

1st Its worth in cash.

2d. How to estimate the value of lands.

Section 45. *And be it further enacted*, That a list of insolvents, and of such persons as have removed out of the county with their property, shall be returned by the collector to the Commissioners Court, which list it shall be the duty of the court to examine, and to strike out the names of such persons, as any member of said court may know not to be insolvent, or removed, and being approved, the same with the certificate of the court to that effect, shall be transmitted by the Clerk of the County Court, to the Comptroller of Public Accounts, by the first Monday of December in each and every year, with an account of the amount of taxes due from each and every person who may have removed, out of the county, together with the name of the county to which he or she may have removed, and the said Collector shall have credit in his account with the State on the books of the Comptroller, by the amount of the taxes due from such insolvents, and persons removed: *provided*, he produce first a copy of his account of such insolvents and persons removed sworn to by himself, and certified by the Court, as herein before required.

Section 46. *And be it further enacted*, That the Comptroller shall transmit the accounts of persons removed from one county to another, without having paid their taxes to the Collector of the county to which such persons shall have removed, and shall charge the Collector to whom any such account is transmitted with the amount of the same to be accounted for in his next annual settlement with the Comptroller. *Provided* however, that the said Collector shall have at least three months from his receipt of any such account, to collect the taxes, from the person who may have removed as aforesaid.

Section 47. *And be it further enacted*, That no collector shall be allowed to return any list of insolvents, or other delinquents, or have any credit therefor on the books of the Comptroller, after three months shall have expired from the period in which the taxes in such list contained have become payable from such Collector by law.

Section 48. *And be it further enacted*, That the assessors in estimating the value of property, shall be governed by the criterion laid down in the following rules and definitions, and shall make their valuations conform thereto. First, the value of all property real and personal, shall for purposes of taxation be its real worth in money, not what it would sell for at auction, or a forced sale. Second, in valuing real estate the fertility and quality of the soil, the vicinity of the same to public roads, towns or villages, navigable streams, or rail roads, water privileges on the same; all local or other advantages, together with all im-

provements thereon, shall be taken into the estimate, except such improvements as are in this section hereinafter enumerated, or as may be specially directed by law, to be valued and taxed separately from the land on which they are situated or to which affixed. Third, all grist mills, oil mills, and saw mills, all distilleries, breweries and tanneries, all iron, brass and copper foundries, together with all manufactories of whatsoever kind or description, shall be valued at their real value in money, with respect to situation and income, at the time of the assessment. Fourth, all lots or parcels of land improved or unimproved, in any city, town or village, incorporated or unincorporated, with all dwelling houses, ware houses, wharves, store houses, shops, offices, livery stables, or any other building or structure erected thereon, shall be valued at their real value in money, taking into consideration all local and other advantages. Fifth, all slaves except mechanics, cooks, seamstresses, barbers, or of some other trade, craft, or occupation, which renders them of extra value, or those who from unsoundness or disability, are of less value than ordinary slaves, of like age or sex, shall be valued and assessed as follows, to-wit :

3d. How to value mills, &c.

4th. How to estimate town lots and improvements.

5th. Slaves under

10 years \$175

From 10 to 20.

\$475.

From 20 to 30

\$550.

From 30 to 40

\$400.

From 40 to 50

\$250.

From 50 to 60

\$100.

Mechanics and slaves of extra value or unsound and of less value to be judged of by assessors.

Those under ten years of age, at one hundred and seventy-five dollars. Those between ten and twenty years of age, at four hundred and seventy-five dollars. Those between twenty and thirty years of age, at five hundred and fifty dollars. Those between thirty and forty years of age at four hundred dollars. Those between forty and fifty years of age, at two hundred and fifty dollars. Those between fifty and sixty years of age, at one hundred dollars. Mechanics and others of extra value, or those who from unsoundness or disability are of less value than slaves of like age or sex, shall be valued at whatever price the assessors from the best information to be obtained by them, may adjudge them to be worth.

Section 49. *And be it further enacted*, That the lien of the State for all taxes for State and county purposes, shall attach on all real estate on the first day of March annually; and such lien shall be perpetual for the amount of all taxes which have heretofore accrued, or which may hereafter accrue under the provisions of this act, with the interest, penalties and costs in each case, until such taxes, interest, penalties and costs shall be fully paid; which lien shall in no wise be affected or destroyed by any sale, transfer or alienation of any such real estate hereafter made.

Lien on real estate attaches 1st March, and not affected by sale or transfer.

Section 50. *And be it further enacted*, That the Commissioners Court may annually at the term of said Court, provided by this act to be holden on the first Tuesday after the first Monday in August, levy a tax for county pur-

Com'rs may levy a county tax not over 100 per ct. on State ass'tmt.

And issue its warrant to the collector who shall collect and pay it in co. treasury.

poses, not exceeding one hundred *per centum*, on the amount of assessment for the State, for which amount so levied, the said Court shall issue its warrant to the tax collector of the county, who shall collect the same at the same time and in the same manner as the State tax may be collected; and all taxes collected under any such warrant, he shall pay into the County Treasury, at such time, and in such manner as said Court may prescribe.

Valuation of real estate to be corrected by assessors in 1849, to remain 4 yrs. subject to correction by board of equal'n.

And in 1853 and every 4th year a new val'n. by the assessors.

Prov. to include all lands which have become taxable by expiration from date of sale. They shall report changes to board of equalization.

Annual ass'ment in cities & towns of real estate if com'rs think proper.

Embezzlement by tax collectors defined and punished.

False swearing under this act perjury.

Section 51. *And be it further enacted*, That the valuation and assessment of real estate first made under the provisions of this act shall be revised and corrected by the assessors. in the year eighteen hundred and forty nine, and the valuation and assessment then made subject to such revision and changes as may from time to time be made by the State and county boards of equalization, shall be and remain the valuation for the next four years; and in the year eighteen hundred and fifty three, and in every fourth year thereafter, there shall be a new valuation and assessment made agreeably to the provisions of this act. *Provided however*, that the assessors shall annually value and assess all real estate that may have become taxable since the last assessment by the expiration of five years from the date of its sale by the General Government, and shall also note and report to the board of equalization every material increase or decrease in the value of any real estate previously assessed, by reason of the erection of new improvements thereon, or the destruction or abandonment of improvements included in the estimate of the last assessment, and upon the report of the assessors of any such changes in valuation, the board of equalization shall make such additions or deductions from the valuation of real estate so affected as to them shall seem just and proper, and shall have the assessment books corrected accordingly: *Provided further*, that there shall be an annual assessment of the real estate in cities and towns, if, in the judgment of the Commissioners Court of the county in which such cities or towns are situated, the increased or diminished value of the real estate requires such assessment.

Section 52. *And be it further enacted*, That if any tax collector shall appropriate to his own use any moneys by him collected, under any assessment of any State, county, or special tax, he shall be deemed guilty of embezzlement, and on conviction thereof by indictment, shall be punished by imprisonment in the Penitentiary for a term not less than two, nor more than ten years.

Section 53. *And be it further enacted*, That in case of the willful violation of any oath or affirmation, administered and taken under the requirements of this act, the party guilty of such willful and corrupt violation as afore-

said, shall be deemed guilty and subjected to all the pains and penalties of perjury.

Section 54. *And be it further enacted*, That if any county assessor shall refuse, fail or neglect, without reasonable cause therefor, to make return of his annual assessment book within the time prescribed by law, he or his securities shall forfeit and pay for every ten days that he shall delay his return, a fine of not less than fifty, nor more than five hundred dollars; which fine may be recovered on motion of the Attorney General or Solicitor in the Circuit Court of the county, on proof of three days notice of such intended motion.

Assessor fined for not returning annual assessment.

How recovered.

Section 55. *And be it further enacted*, That any notice which may by the provisions of this act be required to be given to defaulting assessors, collectors, tax payers or others, may be given to the party personally, or left at his or her usual place of abode.

Notice to be given either personally or left at the house.

Section 56. *And be it further enacted*, That the assessors may by notice posted up at three or more public places in the district, notify the inhabitants thereof at the time and place they will attend to receive lists of all polls and estate real and personal not exempt from taxation, which lists shall so designate and identify the several species of taxable property as to enable the assessors to distinguish and separate each species of property taxed, and properly arrange and enter the same on their assessment books, each under its proper head.

Assessors may notify inhabitants of time and place of receiving lists.

Section 57. *And be it further enacted* That each person rendering a list of taxable property shall value all such property as the law requires, to be valued by the owner or party to whom assessed. And when any such list shall embrace any slave or slaves the same shall be described by name and age; and said list shall further set forth whether any of such slave and which of them shall be mechanics, cooks, seamstresses, barbers, or of any other trade craft or occupation, that shall render such slave of extra value; or if from any unsoundness or disability the value of any such slave shall be reduced below the ordinary value of slaves of like age and sex, such disability shall be set forth, if the party claims any abatement therefor in his assessment.

Persons to value their property.

Slaves to be described by name and age.

And whether mechanics, cooks, seamstress, barbers, &c.

Whether unsound

Section 58. *And be it further enacted*, That every list of taxable property rendered to the assessor shall be verified by the oath of the party rendering the same, which oath shall be in writing signed by the party and certified by the assessor by whom administered, and shall be returned by the County assessor to the Clerk of the County

List to be verified by oath in writing and signed, &c.

Oath

Court, by whom it shall be filed and kept, and every such oath shall be in form following. "I do solemnly swear (or affirm as the case may be) that the list of taxable property herewith rendered, both as to quantity, description and valuation is correct, and true, to the best of my knowledge and belief."

List of property in another c'ty. may be sent to assessor, sworn to and certified.

Section 59. *And be it further enacted*, That any person owning taxable property in another county than the county of his residence, and having no agent in said county to give in the same, he may send to the assessor of said county, a list of his taxable property, sworn to before, and certified by, some justice of the peace in the manner and form as prescribed by law.

Assessment in Mobile to be between 1st Feb'y. & 1st May.

Section 60. *And be it further enacted*, That the assessment within the corporate limits of the City of Mobile, shall be made between the first day of February and the first day of May in each and every year.

Collector not to collect till furnished with ass't. books.

Section 61. *And be it further enacted*, That no collector shall be authorized to collect any tax until furnished by the Clerk with a certified copy of the assessment book, returned by the county assessor, and corrected by the Commissioners Court and board of equilization.

What money received for taxes.

Section 62. *And be it further enacted*, That the tax collector shall receive in payment of all taxes levied by law, any gold or silver coin, or warrant, issued by the Treasury of the State, the bills or notes of the Bank of the State of Alabama, or any of its branches, and the bills or notes of specie paying banks of this State, and Treasury notes of the United States.

County clerk to render list licenses annually.

Section 63. *And be it further enacted*, That it shall be the duty of the Clerk of the County Court in each county, on or before the first Monday of November in each and every year, to render to the tax collector of his county, a statement on oath, of all licenses granted from which any revenue may have accrued to the State from the time of his last annual statement, and every such statement shall exhibit to whom and for what each license was granted, as well as the amount received; and a duplicate of every such statement said Clerk shall transmit to the Comptroller of Public Accounts, on or before the first Monday in December

To show for whom & for what granted and amt received.

Duplicate to be sent to the Comp. by 1st Monday in Dec.

For failure a fine not less than 100 nor more than \$1000.

Section 64. *And be it further enacted*, That any Clerk failing to render either of the statements to the tax collector, or the Comptroller, at the time and in the manner prescribed in the preceeding section of this act, shall forfeit and pay for every such failure, a fine of not less than one hundred, nor more than one thousand dollars, to be recovered on motion of the Comptroller in the Circuit Court of

Montgomery county, upon proof of fifteen days previous notice to such delinquent Clerk.

Section 65. *And be it further enacted,* That if any Clerk of any Court in this State, shall convert to his own use any taxes or moneys by him received or collected under the authority or provisions of this act, or any revenue law hereafter enacted he shall be deemed guilty of embezzlement, and on conviction thereof by indictment, shall be punished by imprisonment in the Penitentiary for a term not less than two, nor more than five years.

Embezzlement by clerk defued.

Punishment.

Section 66. *And be it further enacted,* That when any real estate shall be assessed for taxation, and the taxes for the same shall not be paid, it shall be the duty of the tax collector to advertise the same once a week for three months in some newspaper of the most extensive circulation, published in the county where the real estate is situated; and if there be no newspaper published in the county, then in a newspaper published in one of the adjoining counties having the largest circulation nearest to the place where the land lies, and also by notice at the Court house door of the county; which advertisement shall contain a description of the property as assessed: the name of the person to whom assessed, and the amount of the taxes due, and all expenses, including the cost of advertising; and if the same shall not be paid before the day of sale, he shall expose so much of said real estate to sale to the highest bidder for cash, as will pay the taxes and costs as aforesaid; and said real estate shall be sold, if in town lots in such subdivisions as are recognized in said city or town; and if land then in subdivisions of not more than forty acres; and the owner of all real estate so sold, shall have the right to redeem the same within two years, on the payment of the purchase money, and all cost with interest thereon, at and after the rate of twenty-five per cent per annum, from the day of sale to the day of payment during the said two years.

Real estate if taxes not paid to be advertised once a week for 3 months in the nearest paper, which shall contain a description of the property, name of the person, am't of taxes and expenses, & if not paid, property to be sold for cash.

Land in tracts of not more than 40 acres to be sold for taxes, & may be redeemed in 2 years.

Section 67. *And be it further enacted,* That when any sale such as is provided in the preceeding section shall have been made, it shall be the duty of the tax collector to make a deed to the purchaser, reciting the description of the property sold, the amount of taxes and costs due on the same, and for what year, and that the same had been advertised agreeably to law, and also the amount for which said real estate had been sold: and said deed with the foregoing recitals shall convey to the purchaser all the right, title and interest, legal or equitable, of the owner in and to said property. And if any real estate shall sell for

Tax collector to make a deed, and what it shall contain.

Surplus of sale to be paid, to city, treasurer for use of owner.

more than is due upon it, the surplus shall be paid over to the Treasurer of the county, for the use of the owner.

Advertisements
to be concise.

Section 68. *And be it further enacted*, That collectors in their advertisements of the real estate, shall be as concise as may be consistent with an intelligible description of the estate advertised; and shall carefully avoid all expense by an unnecessary multiplication of advertisements; and they shall not advertise or sell more than may be necessary to pay the taxes due from any delinquent owner: *Provided*, nothing herein contained shall authorize the sale of real estate for the payment of any tax, while there is any personal estate to pay the same.

Real estate not
to be sold while
there is personal
property.

Section 69. *And be it further enacted*, That in case the tax for which any real estate may be liable, shall be unpaid on the first day of November of the year the same should by law have been paid, and there be no personal property out of which said tax can be collected, the collector shall before the first day of December advertise the same as required by section sixty-six of this act: and of all taxes thus due and unpaid, said collector shall make a supplemental return; but no supplemental return shall be received or allowed by the Comptroller of Public Accounts accept when lands have been advertised as aforesaid and a number of the newspaper containing the advertisement thereof shall accompany said supplemental return. And every collector making any supplemental return shall make oath to the correctness of the same, which oath shall be in writing and subscribed by said collector in presence of some person authorized to administer oaths.

If taxes not paid
on 1st Nov. & no
personal prop-
erty, collector to
adv. before 1st
Dec. and make
supplemental re-
turn, with copy of
paper containing
advertisement.

And make oath
to the same.

Further time for
procuring regis-
ters and maps al-
lowed assessors
to 1st Jan next.
The collectors to

Section 70. *And be it further enacted*, That the necessary time may be allowed for the procurement of the registers and maps provided for in sections twenty nine and thirty of this act, the assessors for the current year shall have until the first day of January next after the passage of this act to make return of thier assessment books to the Clerk of the County Court; and that the tax collectors shall have until the first day of April, in the year eighteen hundred and forty-nine to make payment and settlement of their accounts for taxes collected by them in the present year: *Provided*, That the provisions of this section shall apply only to taxes assessed and collected in the present year of eighteen hundred and forty-eight.

April 1849 to
make settlement
of accounts.

Section 71. *And be it further enacted*, That in lieu of the term of the Commissioners Court, required by section thirty-five to be holden on the first Tuesday after the first Monday of August in each and every year, there shall be holden a special term of said Court on the first

Com court may
meet 1st Mon. in
Jan. next, instead
1st Aug. after-
wards in Aug.

Monday of January, eighteen hundred and forty-nine, but annually thereafter as provided in section thirty-five.

Section 72. *And be it further enacted*, That in case of the decease of any tax collector, after he shall have commenced his collections, and before completing the same, and paying over and settling his accounts therefor, the administrator or executor of such deceased collector shall within two months after his acceptance of the trust, and giving bond according to law, settle all accounts of said deceased collector with the Comptroller of Public Accounts, and pay into the Treasury all moneys by him received as tax collector in his life time.

Adm. of a deceased collector to settle with Com. in 2 months.

Section 73. *And be it further enacted*, That in addition to the duties imposed by this act, on the several County and district assessors, it shall be, and is hereby made their duty to collect and report such statistical information, as to population, education, industrial pursuits, mines, manufacturers, productions and other resources, and the like statistics of the State, as may be prescribed and directed by the State board of equalization. And when said board shall prescribe any such duty, they shall through such medium as to them shall appear most convenient and suitable, furnish appropriate forms, and give all necessary instructions as to the mode and manner of performing the service.

Assessors shall collect statistical information for board of equalization if required

Board to furnish forms.

Section 74. *And be it further enacted*. That the several tax collectors and County assessors shall each receive compensation for their services, at the rate of ten per cent on the first five hundred dollars of taxes, whether State or county, by them assessed and collected; on the next five hundred dollars five per cent; on the next thousand dollars, two and a half per cent; on the next thousand dollars, two per cent; and on all over three thousand dollars, one per cent. And the district assessors in the several counties, shall be allowed by the Commissioners Court, a compensation not to exceed one dollar and fifty cents each, for every full days service he may have been actually employed in the performance of his duties; but no such allowance shall be paid except on account certified by the County assessor.

Collectors and county assessors pay.

District assessors pay.

Section 75. *And be it further enacted*, That the tax collector of Mobile county, shall, after the period for commencing his annual collections, deposit at the end of each and every thirty days, in the Bank of Mobile, to the credit of the Treasurer of the State, the amount by him collected up to the date of every such deposite; and he shall take triplicate certificates of deposit therefor; one of which he shall forward within five days, to the Comptroll-

Collector of Mobile to deposit in bank to the credit of State Treasurer.

To take 3 certificates of deposit.

Sale of land or
slaves to be at the
court house.

er of Public Accounts; one to the Treasurer of the State, and the other he shall retain as his own private voucher.

Section 76. *And be it further enacted*, That all sales of real estate, or slaves, by tax collectors for the non-payment of taxes, shall be held at the Court house, or such other places as are, or may be by law authorized for Sheriff's sales of like property in their respective counties; and all other property may be sold at any public place within the district.

Residents defined

Section 77. *And be it further enacted*, That no person shall be deemed a resident within the provisions of this act, who has not by himself or family, resided during twelve months next preceeding the giving in a list of his property, within the limits of this State; or who is not the *bona fide* owner of a dwelling house within the limits of this State. And all persons who do not reside in this State, but do business of any kind herein for a period less than twelve months, shall be deemed and taken to be transient merchants or dealers within the meaning of this act, and shall be required to take a license out of the office of the Clerk of the County Court of the county in which they may do business, as is provided in this act, and shall furthermore be liable to pay the same tax on his or their property, and after the same rates as is hereby imposed on the property and income of resident citizens of the same kind, owned, received or enjoyed by resident citizens, which shall be assessed, levied and collected in the same manner as is provided in cases of resident citizens.

Pay of members
of the Com's.
court.

Section 78. *And be it further enacted* That the members of the Commissioners Court shall each be allowed the sum of two dollars per day, for each and every day, they may be engaged in the discharge of the duties imposed on them by this act; which compensation shall be paid them out of the treasuries of their respective counties, upon the certificate of the County Judge that they have been so employed.

County treasurer
to be paid as al-
lowed by Com's
court.

Section 79. *And be it further enacted*, That the several County Treasurers of this State and each of them, shall receive from time to time, for their services such compensation as may be allowed them by the Commissioners Court: *Provided*, That such compensation shall in no case exceed five per cent, upon the moneys paid out by said Treasurer.

Real estate taxed

Section 80. *And be it further enacted*, That the following property shall be assessed and pay a tax on the value thereof, at the rate and in the manner herein prescribed, namely; all real estate one fifth of one per cent; all slaves, whether belonging to residents or non-residents,

Slave.

one fifth of one per cent; all pleasure carriages and harness, one half of one per cent; all coaches, stages, omnibusses, hacks, cabs, drays, and other vehicles used for the transportation of passengers, or goods, merchandize, or produce, one fourth of one per cent; all horses kept chiefly for the saddle or harness, one half of one per cent; all race horses including as such all horses, geldings, colts, mares, and fillies, that have at any time during the tax year been in training or run for any purse, or entered for a purse, or has won or lost in any race, or paid forfeit in any race the amount of ten dollars, one per cent; all saw mills, oil mills, grist mills, breweries, iron, brass or copper foundries, or forges, marble quarries, manufactured marble, gin making shops, cabinet shops, carriage making shops, cotton presses for re-pressing cotton, and all other manufacturing establishments of whatever character or kind, one fifth of one per cent; all toll bridges, turnpikes and ferries, one fourth of one per cent; the value of all of which shall be ascertained and determined by the assessors, upon view, or on the best information they can obtain. And on money loaned at legal interest whether by promissory notes, bills, bonds or otherwise, or money not invested or employed in some regular business, one fourth of one per cent; on moneys loaned at usurious or illegal interest, meaning thereby all moneys loaned or put out at a higher rate of interest than the rate established by law, whether it be thus loaned or put out under any agreement, understanding or contract, verbal or written, or in shaving notes, buying bills of exchange, bonds, judgments, executions, or any kind or description of negotiable paper, at a greater discount than the legal rate of interest, the fourth of one per cent; *Provided*, nothing herein contained shall be construed to include money used or employed in a regular exchange business, which shall be understood to mean the buying and selling bills, drafts, checks or certificates of deposit drawn against the shipment of produce or merchandize, or checks or drafts, drawn against funds in hand or on deposit, or for the transmission of funds from one place to another. And also on moneys used in dealing in gold and silver coin, gold or silver bullion, all stocks or public securities, and all current and uncurrent bank notes. And upon all moneys so employed in a regular exchange business, shall be assessed and collected a tax of one third of one per cent, on the capital employed. And there shall be assessed and collected on all jewelry, plate, and household furniture over the amount of two hundred dollars, which shall include pictures and paintings, other than family portraits, piano fortes and all other goods, wares, &c., kept by the

Carriages.

Race horses.

Saw mills, &c.

Bridges and ferries.

Moneys loaned.

Usurious loans.

On money, &c.

Furniture over \$200.

family about the house for use or ornament, one fourth of one per cent. The amount of all moneys loaned at legal interest, or not invested in some regular business, and all loaned at illegal interest, or employed in a regular exchange business, and the value of all household furniture shall be ascertained and determined, by the party giving in the same. It shall be the duty of every tax payer in rendering in his list of taxable property, to include therein all the moneys loaned by him or her, as agent either directly or indirectly, for any non-resident, foreign partnership or corporation, and on all moneys so loaned there shall be assessed and collected the same tax imposed by law on money loaned or otherwise used by citizens of this State.

Section 81. *And be it further enacted*, That all moneys mentioned in the preceeding section as loaned at legal, illegal or usurious interest, or used or employed in a regular exchange business shall be held and deemed to be within the meaning of said section as taxable, whether the same be part due or not.

Gov. and Compt.
may dispense
with registers.

Section 82. *And be it further enacted*, That it shall be competent for the Governor of the State and Comptroller of Public Accounts to dispense with the procurement of the Registers, as provided for in section twenty nine of this act, if in their opinion it will be for the interest of the State to do so. And in the event they should dispense with the procurement of said Registers, then and in that case, they shall have the maps provided for in section thirty of this act, so constructed and marked as to shew the date of sale by the General Government of each tract thereof, where five years from the date of the sale has not expired. The township maps furnished the several counties to be suitably and substantially bound.

Free negroes.

Section 83. *And be it further enacted* That there shall be assessed and collected a tax as follows: on all free negroes, and free mulattoes, that is to say: on all males over ten and under sixty years of age, two dollars; and on all females over ten and under forty-five years old, one dollar; and if any such person shall fail to pay the tax aforesaid, the collector shall at public auction, hire out such defaulting negro, or mulattoe, to any one who will take him or her the shortest time for such tax. On every stud horse and jack ass, the price charged to insure a mare with foal: on each head of neat cattle, above twenty head, one cent; on every gold watch worn by male or female, fifty cents; on every gold safety or fob chain worn by male or female, twenty-five cents; on every silver watch, twenty five cents; on every clock kept for use whether of wood or metal, twenty-five cents; on every deck of playing cards, kept, used or sold, whether retail or wholesale, given away or otherwise dis-

Stud horse and
jack.
Cattle.

Watches and
clocks

Pack of cards.

posed of twenty-five cents; on the gross amount of sales of merchandize, (and the term merchandize shall include all objects of commerce, wares, goods, and commodities except playing cards, and such other articles upon which there is a specific tax paid by the party to whom assessed, and such other articles as are in this act specifically taxed, usually bought or sold in the way of trade) one fifth of one per cent; on all fixed salaries one half of one per cent; on the annual income actually collected of all lawyers, physicians, surgeons and resident dentists, and of every person of whatever craft, employment or profession, except artizans and manual laborers, one half of one per cent: *Provided*, that in no case shall the income tax paid by lawyers, physicians, surgeons, or resident dentists be less than five dollars; on the gross income of all foreign insurance companies, doing business in this State, two per cent; on all cotton and other goods or merchandize on storage, one per cent on the gross income; on every horse or jack, except such as are kept exclusively for the gear or harness, shall be taxed one half of one per cent, on the real value thereof, to be ascertained upon the oath of the owner or keeper thereof.

On goods.

Lawyers, &c.

Insurance Co's.

Goods on storage

Section 84. *And be it further enacted*, That on the capital stock of every bank, insurance company or other corporation, doing business under a charter granted by the authorities of this State, except such as are especially exempt by law, there shall be assessed and collected a tax of one fourth of one per cent, which shall be assessed to and paid by the President, Cashier or Treasurer of such Bank, Insurance company or other monied corporation.

Bank stock.

Section 85. *And be it further enacted*, That on the gross amount of commissions received or charged by any factor, commission merchant, cotton broker, or auctioneer, there shall be assessed and collected one per cent, and all sums received or charged by any factor, commission merchant, cotton broker or auctioneer for services in buying or selling any goods, wares or merchandize, or for any other service done in the course of the business of such factor, commission merchant, cotton broker, or auctioneer, or which may be received or charged for any acceptance, advance, indorsement or guaranty, shall be reckoned and computed as commissions, and upon all cotton pickeries one per cent on their gross receipts: *Provided*, nothing in this section contained shall be so construed as to impose on the several classes of persons named, any other income tax than is by this section imposed. Nor shall it be so construed as to exempt from taxation any capital employed in business by any of the classes of persons herein named.

On commissions charged.

Cotton pickeries.

Section 86. *And be it further enacted*, That a tax of

On legacies out
of the family.

Executor to pay
it to clerk county
court.

Slave traders to
take out license
and pay \$10 for
each slave.

Or be fined on in-
dictment \$300.

Steamboats.

Comm. to appoint
steamboat tax
collector.

two per cent shall hereafter be imposed on the value of each and every legacy or bequest of personal property, or rights and credits of any and all kinds, and on each and every devise of lands, tenements or hereditaments, that shall or hereafter may be made in any last will, testament, or codocil, by any person, to any other person or persons or corporations of any kind other than to the child, grand child, brother or sister, children, or wife of such testator, and the executor or executrix, or person having the administration of the estate of such testator in his or her hands, or under his or her charge shall pay the amount of said tax to the Clerk of the County Court of the county in which the said last will, testament, or codicil shall be exhibited for probate before any settlement and distribution of the estate of his testator—and the clerks of said court shall pay over, and account for the proceeds of this tax in the same manner and under the same penalties provided for in case of non-payment of taxes received for licenses.

Section 87. *And be it further enacted*, That every slave merchant trader, dealer, or broker, dealing in slaves, before he shall be authorized to make sale of any slave in any county in this State, shall procure from the clerk of the county court of said county a license for which he shall pay ten dollars on each slave which may be offered for sale by him; which said license shall authorize him to sell said slaves in any county in this State; and if any such merchant, dealer, trader, or broker shall sell any slave without first having procured a license as aforesaid, he shall forfeit and pay the sum of three hundred dollars, on indictment, and conviction therefor, in the circuit court of the county where such slave was sold: *Provided*, that the above tax shall be paid on all negroes exhibited or shewn for sale in the limits of this State, which shall be paid in the same county, in which they may be so shewn or exhibited

Section 88. *And be it further enacted*, That a tax of one fourth of one per cent shall be assessed and collected on the value of every steam boat navigating any of the waters of Mobile Bay, or that empty therein which shall be paid to the person hereinafter named. Such assessment shall be made by said person receiving the taxes, and the county assessor of Mobile county.

Section 89. *And be it further enacted*, That it shall be the duty of the Comptroller of Public Accounts of this State to appoint at Mobile a suitable person to collect the tax by the preceding section imposed and require of him such bond and security as said Comptroller may deem expedient, and may also appoint a suitable person to collect

the tax above imposed on steam boats, at any other point on any river in this State, if he shall deem it necessary.

Section 90. *And be it further enacted,* That such collector so appointed and the assessor shall receive ten per cent on the amount collected on steam boats, as his compensation for attending to these duties; and his receipt to any steam boat for tax, shall exempt the steam boat so paying from any further *ad valorem* tax thereon for a period of twelve months from the date thereof; that such collector shall hold his office, for such term as the Comptroller may appoint, and shall pay over and account with the Comptroller for taxes received by him, in the same manner that the tax collector for Mobile county is directed to pay over and account.

Steamboat tax collectors and assessors to receive 10 per cent for compensation.

To account with Comptroller.

Section 91. *And be it further enacted,* That on each and every vessel or water craft, (other than steam boats) that are or may be employed in lighterage, or in the transportation of produce or goods, wares or merchandize on the waters of Mobile Bay, there shall be levied and collected a tax of one per cent, and on all ships or other vessels belonging to citizens of this State other than the before mentioned, a tax shall be levied and collected in the same manner as herein before provided for the assessment and collection of taxes on steam boats. *Provided,* this act shall not be construed so as to impose a tax on any vessel, owned out of this State on a voyage merely from another State or a foreign country.

Lighters & other water craft.

Section 92. *And be it further enacted,* That the taxes imposed in the four preceeding sections shall be a lien on the steam boat, vessel or water craft, on which the same is imposed, from the date of the entrance of said steam boat, vessel or water craft, within the limits of this State; and in case the same be not paid when demanded, according to the provisions of this act to the person so appointed by the Comptroller of Public Accounts as aforesaid, it shall be the duty of such person forthwith to notify the Sheriff of the County of the fact; and the Sheriff shall forthwith take such defaulting steam boat, vessel, or water craft into his custody, and after ten days notice of the time and place of sale, shall proceed to sell such defaulting steam boat, vessel or water craft, her tackle, apparel and furniture, or so much thereof as may be necessary, at public auction to the highest bidder for cash; and after deducting from the proceeds of sale, the amount of tax due, and the expenses of such sale, shall pay over the balance to the owner or owners of such steam boat, vessel or water craft, and the Sheriff's bill of sale of any such steam boat, vessel, or water

Tax to be a lien on steamboat and other water craft.

If not paid Sheriff to seize and sell on 10 days notice.

craft so sold, shall convey all right, title or claim of the owner or owners of the same to the purchaser.

In case of non-payment of taxes agent to be liable to distress.

Section 93. *And be it further enacted*, That the tax above imposed on steam boats and other water craft above mentioned, shall be due and payable whenever the same is demanded by the Collector aforesaid; and in addition to the lien provided on said steam boats, vessels, or water craft in case of non payment of the tax, the agents of said steam boats, vessels, or water craft, shall also be liable for the payment of the tax exacted of such vessels or water craft; and the same may be collected of such agent by distress and sale of his goods and chattles, lands and tenements in the same manner as payment of any other tax assessed to him individually may be enforced.

Said special collector to collect the taxes on goods sold on the wharf.

Section 94. *And be it further enacted*, That it shall be the duty of said special collector, to assess and collect the taxes in this act specified, that may become due from any person or persons by reason of any and all auction sales, or sales in any mode or manner of goods, wares and merchandize or property of any kind, sold on any wharf or wharves, within the limits of the city of Mobile, other than such sales as are or may be made by any regular dealer, merchant or auctioneer.

This act extend to boats on the Coosa and Tenn. rivers.

Section 95. *And be it further enacted*, That the provisions of this act in relation to steam boats, shall be extended to all steam boats navigating the Coosa and Tennessee rivers in this State, and their value shall be assessed by the County Assessor, assisted by any two Justices of the Peace of any county within which the said steam boat may take on board any cotton or produce, or goods of any kind, or land any produce, goods, wares or merchandize: and the same fees shall be allowed, as hereinbefore provided for like services at Mobile, and the tax shall be collected by the County Assessor making the assessment.

How assessed,

Receipts for payment in one c'ty. good in any other

Provided, the receipt of any assessor for the tax shall be sufficient voucher for the payment of the tax assessed in any other county by or through which such steam boat shall pass.

Auctioneer 1 per cent on sales.

Section 96 *And be it further enacted*, That auctioneers throughout the State shall pay on the gross proceeds of their annual sales of goods, wares and merchandize, and produce and property of any kind at auction, a tax on and after the rate of one *per cent*, on the amount of said gross sales. And said Auctioneers shall also pay on such goods, wares, merchandize, produce and property as each may sell at private sale, on and after the same rate or rates, as is required to be paid by merchants and traders on similar kinds of property sold by them, which tax shall be asses-

On private sales same as other merchants.

sed, levied and collected, and its payment enforced in the same manner as herein provided for the collection of taxes on personal property. And each and every of said Auctioneers shall enter into bond with good and sufficient surety, payable to the Governor and his successors in office, in such sum as the Commissioner's Court in the several counties may appoint, conditioned for the faithful discharge of the duties of his office; and his faithful compliance with all the duties herein required of him, which bond shall be approved by said Commissioner's Court in the same manner pointed out for the approval of the bonds of the several Tax Collectors, and forwarded to the, Comptroller of Public Accounts, and by him filed among the papers of his office, and said Commissioners shall require new bonds of said Auctioneers with security whenever they may deem it necessary. And it shall be the duty of each and every Auctioneer to render monthly accounts of the gross amount of his sales at auction during the month preceeding the rendition of such account verified by the affidavit of the Auctioneer, and his book keeper or principal clerk, to the Commissioner's court of the county in which such Auctioneer shall carry on his business, certified copies of which accounts shall be forwarded by said Court to the Comptroller of Public Accounts of the State within five days after such account shall have been returned to said court. And all the taxes in this section provided for shall be collected by the several tax collectors in the same manner that other taxes are collected, and he shall have the like power to enforce their payment as is hereinbefore provided in cases of non-payment of similar taxes. For his trouble about making the monthly returns and paying the taxes as hereinbefore required, each and every of the said Auctioneers shall be entitled to retain of the amount of the tax he may be required to pay, two per cent of said amount. Sales at auction shall be understood to include not only such goods as are actually bid for by any person or persons at public out-cry, and knocked down to him or them, but to all goods, the price of which is regulated by a part, portion or sample exhibited at the sale and disposed of at the price as fixed, whether such goods be in the same room where the auction is held or in some other building or store-house, or in the open air: *Provided*, this tax shall not be understood to apply to sales of property under legal process, or to sales of property, at Executor's, Administrator's or Guardian's sales.

Auctioneers to give bond to the Governor.

Bonds to be sent to Comptroller.

Auctioneers to render monthly accounts on oath.

To be sent to the Comptroller in 5 days.

Auctioneer to retain 2 per cent on the amount of tax paid for his trouble.

Section 97. *And be it further enacted*, That the same remedy shall be had on the bonds required of auctioneers, when a breach of the condition thereto is committed, as is

Liable for default in the same way as tax collectors.

herein before provided against tax collectors, and their surities, in case of default by the collector in the discharge of his duties.

Licenses to be
taken out.

Or in default pay
treble the cost of
license.

Billiard table.
Pool table.
Bagatelle table.
Ten Pins.

Other tables.
Race track.

Theatre.

Tavern & board-
ing houses.

Menageries.

Dwarfs.

Circus.

Pedlars.

Section 98. *And be it further enacted.* That each and every person engaged in or about or intending to engage in any of the following kinds of business or employments within the limits of this State, shall before he attempts to engage in or transact any such kind of business or employment, procure from the Clerk of the County Court, in which he intends to do such business or follow such employment, a license for the same, which shall be operative for one year from the date thereof; for which license, such price shall be paid as herein after named: And in default of procuring such license, the person or persons doing such business, or following such employment, shall be liable to pay treble the sum required for such license, to be recovered by indictment on three days previous notice, by motion of the Solicitor for the Circuit, in which the county is situated, before the Circuit Court of the county, in which the business or employment is alleged to have been followed; one half to the use of the informer, and the other half to the use of the State; and the several sheriffs shall settle with the tax collectors for money collected under these provisions, under penalties provided for non-payment of money collected under writs of execution. For keeping a billiard table fifty dollars; for keeping a pool table fifty dollars; for keeping a bagatelle table ten dollars; for keeping a ten pin alley twenty-five dollars, and this sum shall be required no matter what may be the number of pins used in the game or play; for keeping any table, stand, alley or place for any other game, not herein enumerated and not prohibited by law, ten dollars; for keeping a racetrack fifty dollars; for keeping a theatre in cities a hundred dollars; for keeping a theatre in any town or village, thirty dollars; for keeping a tavern, or regular boarding house in any city, town, or village, or at any watering place on and after the rate of two per cent on the rent of the property so used and occupied, and in no case less than ten dollars; and by rent is to be understood the annual value of the property, whether it be under lease or not. For the exhibition of museums, wax works or menageries, curiosities or any kind, for each, fifteen dollar, paintings and statuary excepted; for the exhibition of dwarfs, or persons otherwise deformed, twenty-five dollars, the payment of which shall authorize the exhibition in any part of the State; for exhibition of feats of activity or of a circus, for each five dollars per day; for hawking and peddling, for each boat two hundred dollars; for each wagon in each county seventy-five dollars; for each horse

in each county, when the business is pursued on horse-back, forty dollars, and when pursued on foot, twenty dollars. *Provided* this shall not be construed to embrace any person in the employment of any charitable societies or society for the diffusion of knowledge, who may be engaged in the vending or circulating of religious books and tracts; for following the business of dentistry by any person not a citizen of this State, and this shall authorize him to practice his business any where in the State, one hundred dollars; for keeping a livery stable in any city, thirty dollars, and in any town or village, fifteen dollars; for keeping a distillery of spirituous liquors, three cents on every gallon of liquor distilled; for concerts of vocal or instrumental music, for each day five dollars; for each lecture not delivered before or at the request of any literary society or institution, and at which an entrance fee is charged, two dollars; for each and every agency or depositary to sell patent drugs or medicines of any kind, five dollars on each and every kind offered for sale; and each person who shall act as agent or depositary, shall be liable for the payment of the said tax, without reference to the nature of such agent's or depositary's business; for retailing spirituous liquors in cities one hundred dollars; in towns or villages having five hundred inhabitants or more, fifty dollars, in towns or villages having less than five hundred inhabitants, and in the country, thirty dollars; for the exhibition of each and every kind of raffle, or for putting up any kind or species of property to be raffled for, or to be disposed of by any manner of lot or chance, or in any other mode than by sale at auction or at private sale, five per cent on the value of the property so offered or put up; and the proprietor of the house in which such raffle shall be exhibited, shall be held liable for the tax thus imposed, as well as the person or persons exhibiting the raffle; for exhibiting a hand organ, or other organ, or instrument of music of any kind that is carried about, and for all street or way-side musicians, one dollar; for retailing cigars in cities, towns or villages having a greater population than five hundred inhabitants, ten dollars; for keeping any restaurant or eating house, twenty dollars; for keeping a confectionary, or establishment for the sale of confectionary, cakes, candies or fruits ten dollars; for keeping a bar, or retailing spirituous liquors on board of any steam boat; thirty dollars.

Dentist.

Livery stables.

Distillery.

Concerts.

Lectures.

Agent for patent medicines.

Retailing spirits.

Raffles.

Hand organ and street music

Selling cigars.

Restaurant.

Cakes, &c.

Bar on steamboat

Section 99. *And be it further enacted*, That no license under the requirements of the preceeding section shall authorize the carrying on of the business or trade in said license named, in any other county, than the county in which such license was granted, except in case of steamboat re-

License for one county only.

tailers, non-resident merchants, or dealers in goods, wares and merchandize whose license shall authorize them to do business in any part of this State, nor shall any retailer of spirituous liquors, be allowed to retail in more than one building or place in the county or State under the same license.

Section 100. *And be it further enacted,* That the Clerks of the Circuit and County Courts of this State shall each collect the sum of fifty cents as a State tax, for every certificate to which they affix the seal of office, except government pensioners for their own use, and the Clerks of the County Courts shall for every license, charge the sum of fifty cents for a State tax; and the Notary's Public for every instrument to which they affix their Notarial seal (excepting acknowledgments upon deeds of conveyance, deeds of trust, mortgage and relinquishment of dower) shall collect the sum of twenty-five cents, as a State tax, and the Secretary of State shall charge and collect the sum of one dollar as a State tax for every certificate by him made, and the annexation of the seal of the State. And every Commissioner of deeds in this State, holding a commission from the Governors of any of the States of the Union, shall in like manner charge a state tax of one dollar upon every certificate by him made in his official capacity, and keep account of the same, and make return thereof as is provided for in the next section.

Section 101. *And be it further enacted,* That it shall be and hereby is made the duty of the said Clerks, Notary's Public, Secretary of State, and Commissioner of deeds, to keep a book, to be styled the tax book, in which they shall enter every sum collected in pursuance of the preceeding section of this act, from whom received, and pay the same when collected to the tax collector of their respective counties, and transmit a certified transcript of said tax-book to the Comptroller of Public accounts on or before the first Monday of December in each and every year, and upon failure to comply with the provisions of this act, the party so offending shall be subject to indictment and upon conviction shall forfeit and pay the sum of two thousand dollars, one half to the use of the informer, and the other half to the use of the State. And it shall be, and hereby is made the duty of the Attorney General and the Solicitors of this State, to see this act enforced.

Section 102. *And be it further enacted,* That there shall be levied and collected from all persons liable by the first section of this act to pay a poll tax the sum of fifty cents each.

Section 103. *And be it further enacted,* That in the

Clerks of courts
50 cents for seal.

License.

Notaries.

Secretary State.

Commissioners of
Deeds.

Said officers to
keep a book of
collections.

To pay to Col-
lector, and send
transcript to the
Compt. by first
December.
For failure to pay
\$2000.

At. Gen. & Sol.
to enforce this act

Poll tax.

counties of Baldwin, Covington and Washington, the Sheriffs shall be both Assessor and Collector of the taxes in their respective counties; and they shall be required to give bond to the same amount, and in the same manner as is required of County Assessors and Tax Collectors in other counties; and in the said counties of Baldwin, Covington and Washington, there shall be appointed in each assessment district, two Assessors, to act in their respective districts, with the Sheriff in his capacity of county assessor. And said district assessors shall give bond in like manner, and be subject to the liabilities that district assessors in other counties are subject, and shall certify on oath to the assessment lists in their respective districts.

Sheriff to collect in Baldwin, Covington and Washington,

Section 104. *And be it further enacted*, That the assessors in the several counties shall annually assess a tax of one cent on all slaves under ten years, and two cents on all slaves over ten and under fifty years of age, for the purpose of paying for slaves who may be executed in pursuance of law; and it shall be the duty of the tax collector to collect and return the same, at the same time, and in the same manner, they are by law required to collect and return the State tax; and it shall be the duty of the Treasurer to keep said fund separate and distinct from the revenue of the State.

One cent on all slaves under 10 and 2 cents on all over 10 to pay for slaves executed.

Collector to collect the same and pay over.

Treas. to keep it separate.

Section 105. *And be it further enacted*, That so much of the several acts heretofore passed in relation to the assessment and collection of taxes, as conflict with any of the provisions of this act, be, and the same are hereby repealed; but so far as any of the provisions of said acts, may come in aid of the execution of this act, they shall remain in force and be construed as a part of this act.

Conflicting laws repealed.

Section 106. *And be it further enacted*, That it shall be the duty of the Attorney General to compare the provisions of this act with all the revenue laws heretofore passed and unrepealed, and to digest and compile in the form of an appendix, all such provisions of said laws, as are not repealed by this act; and it shall be the duty of the Comptroller of Public Accounts to cause to be printed and published for the use of the Clerks of the County Courts, members of the Commissioner's Courts, and Assessors and Collectors of Taxes in the several counties of this State, five thousand copies of this act, with the appendix aforesaid annexed thereto.

At. Gen. to make digest of this law

Compt. to have it printed,

5,000 copies.

Section 107. *And be it further enacted*, That the Comptroller shall furnish the Tax Collectors in this State with suitable books, similar to those furnished the Assessors, before they enter upon their duties, as collector in each and every year; and it shall be the duty of each and every tax

Compt. to furnish books to collector every year.

Collectors to assess property not assessed by the assessors and collect the same.

collector to enquire for any and all property of every species subject to taxation by the revenue laws of this State, which, from any cause may not have been assessed by the assessors, and to assess the same in the same manner, and under the same restrictions, that assessors to be appointed by the provisions of this act, are required to do; and after such assessment is thus made, and entered in the said books above provided, to collect the tax thereon as if the same had been assessed by the assessors: *Provided*, that the Commissioner's Court, or Board of equalization for the State, shall have power to correct any illegal assessment so made, and to remit any illegal tax paid in consequence of such illegal or improper assessment.

Duty Com. court and board equalization.

Col. to return such assessments to clerk of court.

Section 108. *And be it further enacted*, That the Tax Collectors shall return the said assessments, by them, thus made, under oath to the several Clerks of the County Court, who shall add up the respective amounts, and make and send copies to the Comptroller, and Treasurers of the several counties, in the same manner, and under the same penalties imposed in reference to the assessments of the assessors to be appointed by this act; and for such extra services as are required of said Clerks and Sheriffs by this act, the Commissioner's Court of Roads and Revenue are authorized to allow reasonable compensation out of the County Treasury.

Com. court to allow compensation to clerks and sheriffs.

Section 109. *And be it further enacted*, That none of the civil remedies or actions which may be proper to be instituted against any person for a violation of any of the provisions of this act shall be delayed or impaired for want of a previous prosecution of the felony. And it shall be the duty of each and every Sheriff, Coroner, Clerk of the County, Tax Collector and Assessor, and of every Justice of the Peace to prosecute all persons who may be guilty of any evasion or violation of this act.

LEROY P. WALKER,

Speaker of the House of Representatives.

JNO. ANTHONY WINSTON,

President of the Senate.

Approved, March 6th, 1848.

R. CHAPMAN.

[No. 2.]

AN ACT

To Incorporate the Montgomery Insurance Company.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That William Knox, Charles T. Pollard, Nimrod E. Benson, John A. Snodgrass, Thomas M. Cowles, William Taylor, F. M. Gilmer, Jr., and William B. Bell, and such others as they may associate with them for that purpose, are hereby created a body politic and corporate by the name and style of the Montgomery Insurance Company. and by that name shall be capable of suing and being sued in any and all courts of this State, of purchasing, holding, improving and conveying property, either real, personal or mixed, to make, have, and use a common seal, and the same to alter and renew at pleasure, and generally to do every act and thing necessary to carry into effect, or to promote the objects and designs of this Corporation, which may not be contrary to, or inconsistent with the constitution and laws of this State and the United States.

Corporators.
Name & style.
Corporate powers

Sec. 2. *And be it further enacted,* That the capital stock of this corporation shall be two hundred thousand dollars, to be divided into two thousand shares of one hundred dollars each, and the same to be paid in the manner following, that is to say; fifteen dollars on each share at the time of the subscription and the residue as the President and Directors of said corporation hereinafter provided for, may direct, which said capital stock may hereafter be increased, at the discretion of the said President and Directors, in such manner as they may think proper, to any amount not exceeding five hundred thousand dollars, and it may be lawful for any person or persons to subscribe for, and hold stock in said corporation, which stock shall be deemed and held as personal stock; and if any stockholder shall refuse or neglect to make the payments as required, he, she, or they shall cease to be a stockholder in said corporation, and his, her or their shares may at the discretion of the said President and Directors, be forfeited, and the same may be sold or disposed of in any manner the said corporation shall, by its President and Directors, direct.

Capital stock.
May be increased

Sec. 3. *And be it further enacted,* That books of subscription shall be opened at any time prior to the first day of June next, at such place or places in the City of Montgomery, as a majority of the persons named in the first

Books of subscription to be opened.

Organization.

section of this act, shall direct, which books shall be kept open until the said sum of two hundred thousand dollars shall be subscribed for; and that the persons named in the first section of this act, or a majority of them, shall as soon as may be after the books of subscription are closed, call a meeting of the stockholders, which said stockholders shall proceed to the election of not less than seven nor more than thirteen directors, as may be determined on by them; and the said directors when elected, shall elect one of their own number as President, and the said President and Directors elected in pursuance of this act, shall have full power and authority to appoint and remove at pleasure, all officers and agents of said corporation, to fix their compensations, prescribe their duties, provide for the taking bonds from them for the security of said corporation, for the faithful performance of their duties, and they shall also, have the power to fill any vacancies, which may occur in their own body by death, resignation, or otherwise; and also to appoint from their own body a President pro tempore, when, from any cause it may become necessary.

May hold property.

Sec. 4. *And be it further enacted*, That said corporation is hereby authorized and empowered to hold, possess and acquire, and the same to sell and convey, all such real estate as shall be necessary for the convenience of said corporation for the transaction of its business, or which may be conveyed to said corporation for the security of any debt due or owing to said company, or in satisfaction of any judgment or decree rendered in favor of said company, or in which said company may be interested.

Directors how elected.

Sec. 5. *And be it further enacted*, That the Directors of said corporation (not less than seven or more than thirteen) shall be elected by the stockholders and the President by the Directors, as prescribed in the third section of this act, which said President and Directors shall hold their offices for twelve months; and it shall be the duty of said President and Directors, to call an annual meeting of the stockholders to make such election; and if at any time, there should be a failure from any cause, to elect a President and Directors, the corporation shall not be dissolved, but the President and Directors, then in office, shall hold their offices until a new election.

Elections by stockholders.

Sec. 6. *And be it further enacted*, That in all elections by the stockholders, those holding a majority of the stock, shall constitute a quorum, and each stockholder shall be allowed one vote for each share he may hold.

Sec. 7. *And be it further enacted*, That said Corporation shall have full power to make insurance upon ships and other sea vessels, and upon steam boats, flat boats, and

all other river boats or craft of any description; upon freight, seamen's wages, goods, wares and merchandize, slaves, and gold and silver bullion, or money; against all maratime or river risks, and upon houses, stores, and other buildings, goods, wares and merchandize of every description, furniture, and all other articles, against fire; and upon bottomry and respondentia bonds, and to fix a premium thereon; to make insurance on lives, and to make all contracts which involve the casualties of life; to grant annuities; to receive from any free person, or persons, deposits on trust, and to accept and execute all such trusts of every description as may be committed to them, or transferred to them, by any person, or persons whatsoever, or by any body corporate; to receive and hold real property under grants with general or special covenants, so far as the same may be necessary for the transaction of their business, or when the same may be taken in payment of their debts, or purchased upon any sale made under any law of this State, so far as the same may be necessary to protect the rights, or advance the interests of said Corporation; and the same again to sell, convey, and dispose of; to invest any portion of its capital stock, money, funds or other property, in any way or manner, or in any securities or property, which they may deem most safe and beneficial, and in which it would be lawful for any citizen of this State to make investments, saving only the limitation to real property as aforesaid; and the said property or securities to sell or transfer at pleasure, and again to invest the same, whenever and so often as the exigencies of said Corporation, or a due regard for the safety of its funds, means or effects, shall require; or they may loan the same, or any part thereof, on such securities, either real or personal, as fully as any citizen of the State would be authorized to loan his own funds, property or effects: *Provided*, that nothing in this act shall be so construed as to authorize said Corporation to make any notes in the nature of Bank notes, or notes to circulate in the community as money, or to apply any portion of their means to any banking purposes other than the purchase or discount of bills of exchange and promissory notes, and provided further, that the laws against usury shall apply to said corporation.

Enumeration of powers.

Sec. 8. *And be it further enacted*. That the President and Directors of said corporation shall have the power to fix the places and mode of transfer of certificates of stock, as well as the payment of interests and dividends, that a majority of the Board of Directors and President, shall constitute a quorum for the transaction of all business; and that said President and Directors, shall also have the pow-

Transfer of certificates of stock.

er to pass all such bye-laws as may be necessary to carry this act into effect, not contrary to the laws of this State, or the United States; and to execute and provide for the execution of all such bargains, agreements and contracts as may be necessary to carry out the ends of the corporation.

Transfer of stock

Sec. 9. *And be it further enacted*, That no stock-holder shall assign or transfer any portion of his or her stock, except by the consent of a majority of two-thirds of the President and Directors, and in the mode and form prescribed by said President and Directors.

Liability of corporation.

Sec. 10. *And be it further enacted*, That the said corporation shall in every instance be liable to creditors to the whole amount of property, of whatever name and description they may own, and that the stock-holders, shall also be liable to the whole amount of their individual stock.

Eligibility to office.

Sec. 11. *And be it further enacted* That no person shall be a President or Director in said corporation, unless he be a stock-holder to the amount of at least fifty shares and that the seat of any President or Director shall be vacated, unless he continues to hold the same, for and during the time for which he was elected.

Proviso.

Sec. 12. *And be it further enacted*, That this charter, and all the powers and privileges herein granted, shall continue and exist for the period of twenty years and no longer: *Provided*, that in case the necessities of the company require it, they shall have power to borrow money to make compensation for losses against which it has insured and issue their bonds for the same.

Approved, February 29th, 1848.

[No. 3.]

AN ACT

To Incorporate the Mobile and Dog River Turnpike Company.

Corporators.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened*, That George Woodward, Charles White, Moses Waring, George Huggins, John B. Todd, Sidney T. Douglas, and such other persons as may become associated with them for that purpose are hereby created

Corporate name and style and ability.

a body politic and corporate, by the name and style of the "Mobile and Dog River Turnpike Company," and by that name and style shall be capable of suing and being sued in any court of law or equity, of purchasing, holding and improving any real estate for the purposes and objects of

said company, to make, have and use a common seal, and the same to change, or renew at pleasure, and generally to do all that may be necessary to carry into effect this act.

Sec. 2. *And be it further enacted*, That the capital stock of this company shall not exceed thirty thousand dollars, to be divided into three hundred shares of one hundred dollars each; to be paid in the manner following: ten dollars on each share within five days after the election of Directors, and thereafter not exceeding twenty per cent. of each share within any period of thirty days, and said stock shall only be assignable or transferable according to such rules and bye-laws as the said corporation may make; and that books of subscription shall be opened by the said Woodward and others above named, and so soon as the sum of ten thousand dollars shall be subscribed for, the said subscribers may go into an election for a President and seven Directors, who shall appoint such other officers and servants as may be needful and proper: *Provided*, That each share of stock shall entitle the holder to one vote.

Capitol stock.

Books of subscription to be opened.

Sec. 3. *And be it further enacted*, That said corporation shall have power and authority to acquire by purchase or otherwise a right of way, not exceeding sixty feet in width from the owners of property through which the road may be designed to pass, and to receive from the Commissioners of Roads of the county of Mobile the use of any public highway or highways already dedicated to public use, and from the city of Mobile any street or streets, and to use the said highways or streets for the construction of the said road, and for the erection of toll gates thereon: *Provided*, no toll gate shall be erected within the corporate limits of the City of Mobile.

Powers.

Sec. 4. *And be it further enacted*, That the Mayor, Aldermen, and Common Council of Mobile are hereby authorized and empowered to grant to said Turnpike Company the right of way over any street or streets in said city, or to pass through said city in such direction as public convenience may allow, and may allow to said Company, such compensation for improving such streets as they may think advisable and proper.

May have right of way through city of Mobile.

Sec. 5. *And be it further enacted*. That said road shall be at least twenty-five feet wide, and shall be well graded and covered with shells, and so causewayed and bridged and ditched or otherwise made, as shall be approved of by the commissioners herein after mentioned.

Width of road.

Sec. 6. *And be it further enacted*, That so soon as five miles of the said turnpike road shall have been completed as authorized by the preceding sections of this act, the said Turnpike Company shall be and is hereby autho-

When toll may be received.

Rates of toll how
fixed.

Report shall be
made.

Proviso.

Proviso.

Duty of road
commissioners of
Mobile, and May-
or and Alderman
of the city.

Charter for 20
years.

rized to demand and receive a toll from all persons using or travelling upon the said turnpike road at such rates as shall be determined by the Court of Commissioners of Roads and Revenue of Mobile county from time to time; and the said court shall have power to fix such rates as to them they shall think proper, taking into consideration the amount expended, the state of repair of the road, and amount of travel, which rates may be raised or lowered from time to time as circumstances may require, allowing a fair remuneration, but which shall never exceed a profit of twelve and a half per centum per annum over and above all expenses on the capital employed. And the said Company shall be required to exhibit to said Commissioner's Court when demanded their books, and to make a true report of their expenditures and receipts, so that the court may properly judge of the rates: *Provided*, that all persons living on said road and immediately adjoining shall have the privilege of paying a yearly sum in lieu of tolls at a reasonable rate for the use of said road, which rate shall also be fixed by said court in proportion to the size of the family entitled to the use: *Provided further*, That families residing in the City of Mobile shall have the privilege of using said road for pleasure carriages and saddle horses, &c., for a yearly sum, not exceeding ten dollars per annum, and to be fixed by said court: *And provided further*, that each and every person going to or returning from any militia duty, or elections of all kinds, or attending any court of justice as a juror, or travelling on business of the State or General Government, shall be exempt from toll.

Sec. 7. *And be it further enacted*, That the road Commissioners of the county of Mobile for the time being are hereby authorized and required to appoint two persons who shall not be of their body, and the Mayor, Aldermen and Common Council of the city of Mobile shall appoint one person not of their body, for the examination of the said Turnpike Road, and should the said persons so appointed, or a majority of them approve and receive the said road as having been completed in the manner prescribed by this act, then and in that case, or their report to that effect to the respective bodies by whom they were appointed, the said Turnpike Company shall be entitled to demand and receive the toll as above specified.

Sec. 8. *And be it further enacted*, That the privilege herein granted to said company shall continue and exist for, and during the space of twenty years, and they shall at all times keep the said road in good repair or forfeit the right of toll as hereinbefore authorized; and said Turnpike

Company shall keep a correct list, or schedule of the rates of toll affixed at the turnpike gates, which shall be established on the said road, which list or schedule shall be in plain legible letters, for the information of all passengers: and for failing in any of the requisitions contained in this act or for demanding and receiving more toll than is authorized by this act they shall forfeit and pay the sum of fifty dollars with costs to be recovered by warrant before the Mayor or any Justice of the Peace of Mobile county: *Provided further*, That the privileges granted by this act shall cease to exist if five miles of the said road shall not be completed in the space of one year after the passage of this act: *and provided also*, that the Grand Jury of the county of Mobile are hereby declared to be supervisors of said road.

Section 9. *And be it further enacted*, That nothing in this act contained shall be construed so as to prevent the General Assembly from amending or modifying this charter at any time hereafter as may seem necessary and proper. Reservation.

Approved, March 6, 1848.

[No. 4.]

AN ACT

To incorporate the Tallapoosa Bridge Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That John Goodwin, William C. Wright, and James Judkins, and their associates, their successors and assigns be and they are hereby created a body politic and corporate under the name and style of "The Tallapoosa Bridge Company," for the purpose of building a toll bridge across the Tallapoosa river at or within one mile of Mrs. Judkin's ferry on the Tallapoosa river in Montgomery county, the capital stock to which company shall not exceed fifteen thousand dollars, divided into shares of one thousand dollars each, and by the name of the Tallapoosa Bridge Company shall be and are hereby made capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, action, matter or thing depending in any court of law or equity, and also to make and use a common seal, and the same to break, alter, or renew at pleasure, and also to make, ordain, establish and put in execu- Corporators.

Name and style and powers.

tion such bye-laws and regulations as they may deem necessary for the government of said company not incompatible with the laws of the State.

Subscriptions for stock.

Sec. 2. *And be it further enacted*, That subscriptions towards constituting said stock company shall be opened in the City of Montgomery on the first Monday in July next, under the superintendence of James Judkins, Merrill Ashurst, and Wright Groom, or a majority of them and remain open at least two days or until the whole amount of stock be subscribed, one hundred dollars on each share at the time of subscribing, and the residue in instalments as the work progresses, by a call of the President and Directors.

Affairs to be managed by five directors.

Sec. 3. *And be it further enacted*, That for the management of said company the stockholders shall annually on the first Monday in March in each and every year, elect five Directors by the qualified stockholders of said company and by a plurality of votes then and there given one vote for every share of one thousand dollars. And the Directors so duly elected shall be capable of serving by virtue of such choice until the annual election, and until their successors shall be elected and qualified. And the Board of Directors annually at their first meeting after their election shall proceed to elect one of the Directors to be President of the said corporation, who shall hold his office for one year or until his successor shall be appointed: *Provided*, That the Board shall have power to fill all vacancies, by resignation or otherwise, from any stockholder.

When sufficient sum is subscribed notice to be given

Sec. 4. *And be it further enacted*, That as soon as a sufficient sum is subscribed, notice thereof shall be given in one or more of the newspapers printed in the City of Montgomery, and they shall at the same time notify a time and place for holding the first election, by giving at least ten days notice thereof.

Property of bridge vested.

Sec. 5. *And be it further enacted* That the property of the aforesaid bridge when built shall be and is hereby vested in said company, for the term of thirty years, and they shall and may receive toll on the completion of said bridge according to the following rates, viz: For every four wheeled pleasure carriage or mail coach, fifty cents; for every four horse waggon, fifty cents; for every two horse waggon or ox cart, twenty-five cents; for every buggy or sulky, twenty-five cents; for every man and horse, ten cents; for each loose horse, five cents; for each foot passenger, five cents; for each head of cattle, three cents; for each head of sheep or hogs, two cents.

Sec. 6. *And be it further enacted*, That it shall be

the duty of said corporation to build said bridge, so as not to obstruct the free navigation of said river at all stages of water; so that any raft, flat, steam boat or other water craft in ascending or descending said river, shall not be detained more than fifteen minutes in passing said bridge at all times free of charge; to keep said bridge in good repair, when completed, as long as they may think proper to receive toll; the said company shall be bound for all damage any person may receive in his, her or their persons or property in passing said bridge; the result of the neglect of the keeper or the defect of the construction of the bridge or bad repair of the same, and for all detention, or injuries, sustained by any raft, flat or steam boat or other water craft in passing said bridge. And before the said company shall commence the building of said bridge they shall enter into bond, with two or more securities as may be approved by the Judge of the county court, payable to the Governor and his successors in office, in the sum of five thousand dollars; for the faithful observance of the provisions of this act, and to make good all damages any person may sustain by the building of said bridge—according to the provisions of this act: And that said bond shall not become void upon the first recovery thereon—but may be recovered upon as often as any injury may happen or any of the provisions of this act, be violated.

How bridge shall be built.

And kept in repair.

Liability of company for damages.

Company shall enter into bond.

Sec. 7. *And be it further enacted*, That it shall be the duty of the Commissioner's Court of roads and revenue of Montgomery county to appoint suitable commissioners to inspect said bridge when notified that the same is completed: And if a majority of them shall report the same not to be in good repair and fit for passengers or that the said bridge is built so as to obstruct the free navigation of said river, to suspend the collection of toll until the said bridge is put in proper condition.

Bridge to be inspected.

Sec. 8. *And be it further enacted*, That it shall be the duty of the President and Directors or a majority of them, to select a site for said bridge, provided the place so selected be on their own land on both sides of the river, or they obtain the consent of the owner thereof, and also to make a good road leading to and from the same where it may deviate from the Judkin's ferry road; and apply to the Commissioners of Roads and Revenue of Montgomery county for a jury to assess the damages if any shall be claimed for lands the roads may pass through, whose duty it shall be to appoint a jury to assess the said damages, and report the same, which shall be paid by the said company before they shall be allowed to open said road.

Site for bridge to be selected.

Bridge shall not obstruct the navigation of Tallapoosa river.

Sec. 9. *And be it further enacted*, That if the said bridge shall in any manner obstruct the navigation of said river, it shall be the duty of the Commissioners of Roads and Revenue of Montgomery county upon complaint being made, to investigate the same; and if it shall appear that the complaint is true, they are hereby authorized to remove said bridge if necessary to remove said obstruction, at the expense of said company; besides the said company shall be liable for all damages on account of said obstruction, recoverable in any court of competent jurisdiction.

Approved, March 6, 1848.

[No. 5.]

AN ACT

To facilitate the construction of the Electric Telegraph.

May construct lines of telegraph

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That William Hawn or his associates, or any other person or persons may be and are hereby authorized to construct lines of Electric Telegraph from point to point, upon and along any of the roads and highways, and across any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines: *Provided*, the same shall not in any instance be so constructed as to incommode the public use of said roads or highways, or endanger or injuriously interrupt the navigation of said waters; nor shall this act be so construed as to authorize the erection of any bridge across any of the waters of this State.

Upon disagreement of parties about land, appraisers may be appointed to assess damages.

Sec. 2. *And be it further enacted*, That if any person on whose lands shall pass, upon which such posts, piers or abutments, shall be placed, shall consider himself aggrieved or damaged thereby, it shall be the duty of the County Commissioners of the county in which said lands are, on application of such person, to be made within three months after the erection of such posts, piers or abutments, on his lands, to appoint three discreet, disinterested persons or appraisers, who shall, before they enter upon the duties of their appointment, severally take an oath or affirmation before some person authorized to administer oaths, faithfully and impartially to perform the trust and duties required of them by this act, and it shall be the duty of said appraisers or a majority of them, on view, to make a just

and equitable appraisal of the loss or damage sustained by the applicant, by reason of said lines, piers, posts and abutments; duplicates of which appraisal shall be reduced to writing and signed by said appraisers or a majority of them, one copy of which shall be delivered to the applicant and the other to the owners or agents of said Electric Telegraph lines, on demand, and in case said appraisers shall assess any damages to said applicant, the said owners shall pay to the said applicant the amount thereof, together with the cost of said appraisers; but if said appraisers shall award that said applicant has sustained no damage or loss, the said applicant shall pay the costs of said appraisers.

Sec. 3. *And be it further enacted*, That the appraisers aforesaid shall be entitled to receive for their services, Pay of appraisers. two dollars for each and every day when so actually employed.

Sec. 4. *And be it further enacted*, That any person who shall unlawfully and intentionally injure, molest, and destroy any of said lines, posts, abutments or the materials, or property belonging thereto, shall on conviction thereof, be deemed guilty of a misdemeanor, and be punished by fine, not exceeding five hundred dollars, or imprisonment in the Penitentiary not exceeding one year or both at the discretion of the court having cognizance thereof. Penalty for injuring posts, &c.

Sec. 5. *And be it further enacted*, That prosecution under the preceding section, shall be by indictment in the Circuit Court. Where and how prosecuted.

Sec. 6. *And be it further enacted*, That the Legislature may at any time alter, modify, or repeal this act, and the stock or value invested in said lines of Electric Telegraph shall be subject to taxation, like other property in this State. This act may be modified.

Approved, March 4, 1848.

[No. 6.]

AN ACT

To Incorporate the Cane Brake Plank Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That Andrew P. Calhoun, Thomas A. Harrison, Richard H. Adams, James L. Price, Edward A. Glover, Levin B. Lane, A. R. Manning and Francis S. Lyon and their present and future associates are hereby declared and constituted a body corporate by the name Names of corporators.

Name and style. and style of the "Cane Brake Plank Road Company," for the purpose of constructing a plank road from Demopolis in Marengo county to Union Town in Perry county, and by that name and style may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity and may have and use a common seal and the same alter or amend at pleasure, and may have and hold real and personal property to all extent necessary to carry on their business advantageously, with power to transfer or convey the same.

Powers.

Capital stock & subscription. Sec. 2. *And be it further enacted*, That the capital stock of said company shall not exceed fifty thousand dollars, and that subscriptions to the same shall be regulated by the said Calhoun, Harrison and Adams and their associates as to the time, place, manner and mode of said subscriptions, the amount of each share and the number to be taken or subscribed for; the amount to be paid on subscriptions, and the time or times when the remaining portions shall be paid in, and the mode of payment, with full power to regulate the whole matter and to declare forfeitures under certain rules when stock-holders fail to comply, and to do all things necessary to ensure the punctual payment of the several instalments of Stock required as they become due: *Provided*, That any regulation thus adopted shall be general and operate on all subscribers alike; *And provided also*, that should any stock-holder fail to pay in his subscription of stock according to the regulations of said corporation the same shall have power on giving ten days notice to such defaulting stock holder to move for and obtain judgment in either the Circuit or County Court of the county in which such stock-holder may reside, for the amount of subscription for which he may be in default with five per cent thereon with costs of suit.

May be transferred. Sec. 3. *And be it further enacted*, That the capital stock of said corporation shall be divided into shares of one hundred dollars each to be assignable and transferable according to such regulations as said corporation may adopt; and the number of votes to which each stock-holder may be entitled on all questions arising at business meetings shall be equal to the number of shares of stock he may hold, each share being entitled to one vote: *Provided*, That the subscriptions of stock to said corporation and the transfer of the same (when made) shall be registered in a book to be provided by said corporation, which shall at all times be open to the inspection of the stock-holders.

Provide.

Sec. 4. *And be it further enacted*, That said company shall not be considered as organized until stock to the

amount of thirty thousand dollars shall be subscribed, after which the stockholders shall elect five directors to manage the property, business and concerns of said Corporation, one of whom shall be appointed President by the other directors; said directors to be chosen annually, at such time and place as the said directors may determine upon: *Provided always*, that the directors for the time being shall serve until their successors are elected: and they, or a majority of them, shall form a quorum for the transaction of business, and shall have power to make all such by-laws, rules and ordinances as to them may appear needful, touching the management of the road to be constructed and effects of the Corporation, and all such matters as may appertain to the concerns of the same. And they shall have power to employ all such officers, agents, servants or laborers as they may deem necessary for the construction of the proposed road and the transaction of the business of the Corporation; and to displace, remove or discharge such officers, agents or servants at pleasure.

When the company consider organised.

President and Directors.

Sec. 5. *And be it further enacted*, That it shall or may be lawful for said Corporation to construct and make a plank road from the town of Demopolis, in Marengo county, to Union Town, in Perry county, on such convenient route between the points designated as said Company may select: *Provided*, that no public road now in use between said points shall be thereby obstructed: *And provided further*, that in the event said corporation shall be enabled to obtain the right of way for said road from the owner or owners of the land through which the same may pass, such compensation shall be paid to the owners of such land as may be assessed by a jury upon a writ of *ad quod damnum* to be sued out and tried in the mode prescribed by the act entitled "an act to incorporate the Southern Rail Road Company," approved the 5th January, 1846: *Provided*, that in estimating the amount of the verdict or judgment to be rendered in any such proceeding, the jury or court shall not take into consideration the probable or prospective advantages to the proprietors of the land to result from the construction of such road.

May make road.

Sec. 6. *And be it further enacted*, That all lands, rights, and property acquired by said Company, and the said road when completed, and all profits which may accrue therefrom, shall be vested in the respective share holders of said Company forever, in proportion to their respective shares.

Property vested.

Sec. 7. *And be it further enacted*, That the said Company are invested with the right and powers of exacting and demanding such tolls for transportation of property or

May demand toll

persons as they may require: *Provided*, that a tariff of tolls shall be annually established and published at each depot on said road, for the information of the public, and such tariff shall not be changed oftener than once a year: *And provided further*, that said tolls shall not yield a nett revenue on the capital invested exceeding twenty-five per cent. per annum.

Approved, March 4, 1848.

[No. 7.]

AN ACT

To change the name of the town of Point Smith, in the County of Franklin, and to incorporate the same.

Name changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the name of the town of Point Smith, in the county of Franklin, be and the same is hereby changed to that of Chickasaw.

Corporate name and powers.

Sec. 2. *And be it further enacted*, That the said town of Chickasaw be, and the same is hereby incorporated, by the name and style of the Intendant and Councilmen of the town of Chickasaw, and by that name they may sue and be sued, plead and be impleaded, take and hold property, both real and personal, and the same sell and dispose of in such manner as may be most beneficial to said town, and not inconsistent with the laws of the land.

Election for officers.

Sec. 3. *And be it further enacted*, That there shall be elected on the first Monday in May next, one Intendant and four Councilmen for said town, and on the first Monday in May, annually thereafter, an election shall be held for said officers; and at any such election all persons shall vote who are at the time qualified to vote for members of the General Assembly. The first election under this act may be held by any three householders of said town, and all subsequent elections shall be under the direction of the Intendant and Councilmen: *Provided*, that ten days' notice of any election shall be given by advertisement.

Proviso.

Vacancies.

Sec. 4. *And be it further enacted*, That should any vacancy occur in said board of officers, by death, resignation, or otherwise, it shall be the duty of the board to fill said vacancy until the general election thereafter.

Corporate name, powers and jurisdiction.

Sec. 5. *And be it further enacted*, That the boundaries of said town shall extend over the lots, streets and alleys of the same, and over the same the corporation may have jurisdiction; and the Intendant and Councilmen, or a major-

nity of them, are hereby vested with full powers to keep open the streets and alleys of said town; to preserve the peace and good order of the same; to suppress affrays; to fine for assault and battery, and the same to collect; to keep the streets in repair, and to pass all by-laws for the purpose of carrying the powers herein granted into effect, and all other powers necessary for the government of said town, and not inconsistent with the laws of the State.— They shall have also power to levy and collect a tax upon the inhabitants and property of said town, and to raise money for the government and management of the affairs of said corporation.

Sec. 6. *And be it further enacted*, That on the day after each election the said Intendant and Councilmen shall organize, and each take an oath of office well and faithfully to discharge their duties, which shall be administered by some justice of the peace; and at such meeting they shall elect a Clerk, a town Constable, and Treasurer, who shall serve one year; and it shall be the duty of the Clerk to keep a record of the proceedings of said board, and to issue executions for all fines and taxes that may be necessary, which he shall sign and deliver to the Constable, whose duty it shall be to collect and pay over the same to the Treasurer, who shall pay the same out upon the order of the board, signed by the Intendant.

Board shall organize.

Sec. 7. *And be it further enacted*, That the board of Intendant and Councilmen shall have power to remove from office the Clerk, Constable or Treasurer, at pleasure, and appoint others at any time in their places, and shall fix the salary of each and take bond for the faithful performance of their duty.

Power to remove from office.

Sec. 8. *And be it further enacted*, That the said Intendant and Constable shall respectively exercise all the powers, and receive the same fees, and give bond in the same manner for the time for which they shall be elected, as other justices of the peace and constables do now, under existing laws, in the county of Franklin

Power and fees of Intendant and Constable.

Approved, March 4, 1848.

[No. 8.]

AN ACT

To Incorporate the Catoma Light Horse of Montgomery County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That such persons as have enrolled themselves for the purpose of forming a volunteer Cavalry Company in the County of Montgomery, under the name and style of the Catoma Light Horse, together with their successors and associates, be and they are hereby made and declared a body politic and corporate, by the name and style of the "Catoma Light Horse," with the usual powers incident and common to bodies corporate of this kind: *Provided,* said Company shall at no time consist of less than thirty nor more than one hundred members.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said Company to uniform and equip themselves fully and completely in some suitable uniform, to be by them selected, and it shall be the duty of said company, and they are hereby authorized and required, to muster at least six times in each year.

Sec. 3. *And be it further enacted,* That said Company shall be wholly free and exempt from the order, control, or direction of the Colonel Commandant of the Regiment in which said Company, or any member thereof, may be, and of all officers of Militia, except the Major and Brigadier Generals of the division and brigade in which said Company may be; and the captain of said Company shall be compelled to return the strength of said Company annually to the Adjutant General of the State; also, that the members of said Company be exempt from Road, Street, and Jury duty.

Sec. 4. *And be it further enacted,* That said Company shall have power to pass such by laws as shall be necessary for the government of said Company; and all fines and forfeitures levied and collected by said Company from any of its officers or members, under such by laws and regulations as they may adopt, shall belong exclusively to said Company, to be by them appropriated in such manner as they may think proper: *Provided,* that the Legislature may hereafter, at any time, alter or repeal this act.

Approved, March 4, 1848.

Corporate name
and style.

Duty of company

Exempt from mi-
litia command.

Exception.

Powers.

[No. 9.]

AN ACT

To amend the Charter of the City of Mobile, and the several acts in relation thereto, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Mayor, Aldermen and Common Council of the City of Mobile have full power and authority to appropriate, in any manner they may deem fit, for the use and benefit of the city, any moneys received by them from any source: *Provided always,* that nothing in this section contained shall, in any way, affect or repeal, or operate on any of the provisions of an act approved 11th February, 1843, and entitled "An Act to enable the corporate authorities of the City of Mobile to provide for the security and payment of the debts of said city, and for other purposes." Power to appropriate moneys.
Proviso.

Sec. 2. *And be it further enacted.* That the Mayor, Aldermen and Common Council have full power and authority, from time to time, and at all times when they may deem it expedient, to make or cause to be made any gutter or gutters in any street or streets, or in any part or parts of any street or streets, adjoining and adjacent to any sidewalk, and from time to time to repair any such gutter or gutters, and to pave the same in such manner as the said corporation may deem best; and that the said Mayor, Aldermen and Common Council have full power and authority to pave or cause to be paved, and from time to time to repair or cause to be repaired, any side walk, in such manner as they may deem fit, and to have the said side walks so paved, edged with curb stone, such as said corporation may ordain; and that the said Mayor, Aldermen and Common Council have full power and authority to pave, or cause to be paved, and from time to time to repair, or cause to be repaired, that part of any street or streets, or any part of any street or streets, which is situated between the said side walks on one side of such street or streets and the said side walk on the opposite side of such street or streets. May make gutters
May pave side walks.

Sec. 3. *And be it further enacted,* That the Aldermen and Common Council may, at any time, declare in what street or streets any such pavement or repairs of side walks or any such gutters, or any such paving or repairing of the street or streets situated between the two gutters, shall be made; and at the same time, or at any subsequent time, the said Mayor, Aldermen and Common Council may and shall by ordinance declare what part or portion of the ex] May select street to make gutters or sidewalks.

penses of such work shall be paid by the owners or claimants of the lots adjacent to the side walk which borders on the gutter or gutters about to be made, or the street about to be paved: *Provided*, that not more than one third of the whole expense shall be demanded or collected of the owners or claimants of the property adjacent, and the remainder shall be paid by the corporation.

Payment of expenses.

Sec 4. *And be it further enacted*. That such portion of the expenses as the said Mayor, Aldermen and Common Council shall by ordinance declare to be paid by said owner or owners, or claimant or claimants of any lot adjacent to said work, shall be a lien upon such lot or lots, and shall be collected by the Tax Collector in the same manner as taxes on real estate in the City of Mobile, for the use of the city, are now collected.

Assessors of taxes when elected.

Sec. 5. *And be it further enacted*. That the assessors of taxes for each succeeding municipal year shall be elected on the first Monday of November next ensuing, or as soon thereafter in said month as practicable, and on the same day annually thereafter; and they shall be required forthwith to enter upon their duties as assessors, and complete and return their assessments to the said corporation on or before the first Monday of March next after the appointment.

Duty of Mayor and Presidents of boards.

Sec. 6. *And be it further enacted*, That from and after the passing of this act, and from and after the first Monday of March in each and every year hereafter, the President of the board of Aldermen, the President of the board of Common Council, and the Mayor, shall and are hereby declared to be assessors of taxes, and shall hold their office from the said first Monday of March until the first Monday of November ensuing, and during that time they shall discharge all the duties of assessors, and shall from time to time make their assessments to the board of Aldermen and Common Council; and the Tax Collector shall collect such assessments in the same manner as by law he is now bound to collect the assessments made by the assessors appointed on the first Monday of November. And any person or persons who shall fail or neglect to pay to the tax collector the assessments so made by the President of the board of Aldermen, the President of the board of Common Council, and the Mayor, shall be subject to all the penalties and forfeitures, and shall be prosecuted and proceeded against in the same manner as if the assessment had been made by the assessor appointed on the said first Monday of November.

Of assessors and collectors.

Sec. 7 *And be it further enacted*, That the assessors and collector of taxes of said city, to be hereafter elected,

shall be freeholders within the corporate limits of said city.

Sec. 8. *And be it further enacted*, That the thirty-second section of an act approved the 15th day of January, 1844, and entitled "an act to consolidate the several acts of incorporation of the City of Mobile, and to alter and amend the same," be and the same is hereby repealed. Act repealed.

Sec. 9. *And be it further enacted*, That hereafter it shall be the duty of the Tax Collector, during each and every week, to report to the Mayor of the city any and all taxable property not included in the assessment made by the assessors appointed on the first Monday of November last, or which may not be included in the assessments hereafter to be made by assessors hereafter to be appointed, on the first Monday of November in each and every year. Duty of tax collector.

Sec. 10. *And be it further enacted*, That it shall be the duty of the Mayor, upon receiving any report from the tax collector of taxable personal or real estate, not included in the assessment of the assessors appointed on the first Monday of November, to notify the Presidents of the boards of Aldermen and Common Council thereof, who, together with the Mayor, shall inquire into the truth of the report of the said tax collector, and shall, if it be true, forthwith assess such taxable property, and return such assessment to the boards of Aldermen and Common Council. Duty of Mayor.

Sec. 11. *And be it further enacted*, That it shall be lawful for the corporation aforesaid to appoint a committee of three persons, who shall give notice of their appointment by advertisement in some newspaper published in the City of Mobile, and call upon all persons having claims against the corporation that have not been arranged under the provisions of an act entitled "an act to enable the corporate authorities of the City of Mobile to provide for the security and payment of the debts of said city, and for other purposes," approved 11th day February, 1843, to present their claims to the said committee on or before a day certain, to be by them appointed and stated in their said notice; and upon the failure of any person having any such claim or claims to make presentment on or before the time prescribed in the notice published by the said committee, as in this section required, such claim or claims shall be forever barred, and no recovery shall be had thereon: *Provided*, that notice shall be given of the time and place when such presentment shall be made, by publication, at least once a week, for the space of two months before the day specified. Corporation may appoint committee of three.

Sec. 12. *And be it further enacted* That the seventh section of the act entitled "an act to enable the corporate Their duty.
Act amended

authorities of the City of Mobile to provide for the security and payment of the debts of said city, and for other purposes," approved 11th February, 1843. be so amended as to read thus: That in addition to the powers heretofore granted to the corporate authorities of the City of Mobile, to assess taxes, they are hereby authorized to assess a tax, not exceeding twenty-five dollars, upon all persons trading or doing business in the City of Mobile, who are residents of the City or County of Mobile, and not exceeding one hundred dollars, on all persons being non-residents of this State, for the privilege of carrying on such trade or business: *Provided*, that this section shall not apply to persons who pay a tax on real or personal property, to the amount aforesaid: and all assessments paid by any person upon personal or real property, shall be deducted from the assessment under this section of this act. and the remainder shall not exceed the sum aforesaid: *And provided further*, that this section shall not apply to any mechanic carrying on his trade or doing journey work,

Approved, March 6, 1848.

[No. 10.]

AN ACT

To incorporate the Greene County Mutual Insurance Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, G. H. Dunlap, G. A. Wyser, L. Hoadly, William P. Webb, A. F. Alexander, M. B. Posey, William Perkins, Sydenham Moore, Moses Hubbard, Thomas T. Page, Harry I. Thornton, and their associates in office, be, and they are hereby, constituted a body corporate, under the name and style of "The Greene County Mutual Insurance Company," and by that name and style shall have a corporate seal; and shall be capable of suing and being sued, of making all legal contracts, and of having and holding all kinds of real and personal estate and securities, and to alter and change them at pleasure, and of making and establishing such by-laws and ordinances as they may find necessary for the government and regulation of the said corporation, not contrary to the laws and constitution of the State of Alabama, or of the United States.

Sec. 2. *And be it further enacted*, That the said corporation shall have full power to transact the business of fire,

Corporators.

Corporate name
and style and
powers.

Power to insure.

river, and general insurance, on the principle of mutual insurance. and to determine the mode according to which such mutual insurance shall be made, and how the premiums and profits shall be held, invested and charged, and the manner and periods at which dividends shall be declared.

Sec. 3. *And be it further enacted*, That each and every person, or persons, who shall insure in and with the said corporation, and the representatives and assignees of such persons, shall be allowed and continue to be members of said corporation. and shall share equally in the profits and losses thereof, for the year in which such insurances are made, and in proportion to the amount of the premiums paid by them on their respective insurances, and no more; and that the rates of contribution to losses, and of the distribution of the profits, shall be determined by the board of Trustees, hereinafter provided for.

How corporate membership may be attained.

Sec. 4. *And be it further enacted*, That the said corporation shall not have the power to put in circulation any note, bond, contract, or obligation, as money.

Corporate restriction.

Sec. 5. *And be it further enacted*. That the said G. H. Dunlap, G. A. Wyser, L. Hoadly, William P. Webb, A. F. Alexander, M. B. Posey, William Perkins, Sydenham Moore, Moses Hubbard, Thomas T. Page, Harry I. Thornton, and their associates in office, are hereby declared to be a board of Trustees of said corporation until the first Monday in March eighteen hundred and forty nine, a majority of whom, or of the boards thereafter to be chosen, shall have power to fill any vacancies which may occur in said board, by election from the members of said corporation; and the powers conferred by this act on the said corporation are hereby vested in said board of Trustees, and their successors.

First board of trustees.

After boards how elected

Sec. 6. *And be it further enacted*, That from and after the first Monday in March, eighteen hundred and forty-nine, and on the first Monday in March, in every year thereafter, there shall be an election for a board of Trustees, to consist of eleven persons, chosen from the members of said corporation, who shall serve for one year, or until a new board be chosen; the said election to be made by the board of Trustees, whose term of service shall expire on the day of election. This section shall not be so construed as to prevent the re-election of any Trustee who may have been previously elected.

Elections when held.

Sec. 7. *And be it further enacted*, That a vacancy shall be declared in said board of Trustees upon the death of any member thereof, or whenever any member thereof shall remove from the State of Alabama, or continue ab-

Vacancies.

sent from the meetings of the board for the space of three months, without leave being first obtained.

Annual report.

Sec. 8. *And be it further enacted*, That the said board of Trustees shall, once in every year, on any day to be fixed by them, make and publish a full and particular statement of the affairs of said corporation; and that they shall admit, for the inspection of the members thereof, a detailed statement of their assets.

Of certificates of stock.

Sec. 9. *And be it further enacted*, That no certificate, or scrip, for the profits, nor any distribution of the same, (as provided for in the third section of this act,) shall be issued or made, for the fractional parts of sums, and sums less than ten dollars, are to be passed by the contingent account of the company, and applied to the expenses and other charges of the year in which they appertain.

Approved, March 4, 1848.

[No. 11.]

AN ACT

To Incorporate the Florence Female Academy, in the County of Lauderdale.

Trustees.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That James Irone, Jr., Robert M. Patton, Samuel D. Weakly, John Simpson, Thomas J. Foster, Thomas Kirkman, Wiley T. Hawkins, B. B. Barker and James Martin, and their successors in office, be, and they are hereby, created a body politic and corporate, in deed and in law, by the name of "the President and Trustees of the Florence Female Academy." and by that name shall be able and capable in law, and in equity, to sue and be sued; and shall have power to hold real and personal estate in perpetuity, in trust for the use of said Seminary; to receive donations and bequests, and to make contracts; and to do all other things necessary and proper for the promotion of education in said Seminary.

Corporate name and style and powers.

Organization.

Sec. 2. *And be it further enacted*, That the persons named, or a majority of them, shall have power to appoint a President and Secretary from their own body, a Treasurer, visitors, and such other officers as they shall deem necessary, and to prescribe the duties of each, and the term of time each shall serve, and the penalties for breach of duty.

Classed.

Sec 3 *And be it further enacted*, That the President and Trustees shall be divided into three classes by lot. The

first class shall go out of office at the end of two years; those of the second class at the end of four years, and those of the third class at the end of six years; so that two shall be elected at the expiration of every two years, and a rotation thereby be kept up perpetually; and then vacancies shall be filled by two thirds of those remaining in office.

Sec. 4. *And be it further enacted*, That, when other vacancies occur in the board the same shall be filled by the vote of two thirds of those remaining in office, including the President; and it is hereby declared, that removal from the county—voluntary absenting from the meetings of the board for six months in succession—being convicted for the commission of any disgraceful crime, or being habitually intemperate, shall be causes for declaring the office of President or Trustee vacant; and the board may, by a vote of two-thirds of the trustees, including the President, declare the office of trustee or President vacant for either of the causes aforesaid, and proceed to fill the vacancy in the same manner, as if the vacancy was occasioned by natural death. Vacancies how made and filled.

Sec. 5. *And be it further enacted*, That the said President and trustees, so soon as they shall be duly organized under this charter, shall have power to direct and control all buildings and other improvements for the use of the institution, either by themselves, or a committee, or agents under them; and all the property, real and personal, shall be hereby vested in them and their successors in office: *Provided, however*, That no change shall be made in the plan of building now adopted, by the building committee, appointed by the general subscribers, to the improvements, nor in any contract made by the same committee; but the plan or plans of building and all contracts made with reference thereto, shall be adopted by the President and trustees under this act. Powers of board. Proviso.

Sec. 6. *And be it further enacted*, That all property, donated for the use of the said Seminary, and all subscriptions heretofore made for the purpose of building the necessary houses and making other improvements, appurtenant thereto, shall, by operation of this act, vest in the said trustees, as if the conveyance and subscriptions were expressly made to them; and for any injury to the real estate, and for the collection of subscriptions already made, the said President and Directors shall have power to sue, and recover at law, in their corporate name; and they are hereby vested with power to demand either all or of the amount each person has subscribed, as they shall deem necessary, from time to time; and if the sum required, shall Property vested. May sue for and defend the same.

not be paid by the subscribers respectively, or the written order of the President being presented, a right of action shall exist in the said President and trustees, and may be enforced for the sum or sums, so ordered to be paid and refused; and so on, till all be paid up by the subscribers respectively.

Further powers.

Sec. 7. And be it furrher enacted. That the President and trustees aforesaid, or two-thirds of them, shall have power to appoint all the trustees for said Seminary; to establish the charges for instruction thereon, from time to time; to establish such rules and bye-laws as they may deem necessary and proper, extending to the President and trustees, as well as to teachers and pupils, and others connected with the Seminary. They shall have power to remove teachers at their discretion, by a vote of two-thirds of the trustees then in office, including the President; and to remove any teacher, for good and sufficient cause, by a vote of the majority. *Provided, however,* That no teachers shall be appointed or removed between the going out of one class of trustees by limitation, and the appointment and qualification of others, to fill the vacancy.

Approved, March 4, 1848

[No. 12.]

AN ACT

To re-charter the Mobile Marine Railway and Insurance Company.

Charter extended

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That an act, entitled "an act to Incorporate the Mobile Marine Rail Way and Insurance Company," approved, January 28th 1829, and also, the amendments to said act, an act entitled "an act to amend the charter of the Mobile Marine Rail-way and Insurance Company," approved, the 10th day of January 1844, be renewed and extended until the thirty-first day of December A. D. 1870, with all the powers and privileges therein expressed and contained.

Approved, Feb. 10, 1848.

[No. 13.]

AN ACT

To incorporate the Central Masonic Institute of Alabama,
Dallas County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the most excellent William Hendrix, Grand High Priest of the Royal Arch Chapter of the State of Alabama, and the most worshipful Rufus Green, Grand Master of the Grand Lodge of the State of Alabama, and their successors in office as such, and Charles G. Edwards, Nimrod E. Benson, John M. Strong, William Seawell, William M. Lapsley, William Waddell, Jr. George W. Gayle, Wiley Milton, John R. Somerville, Abner Jones, and Thomas B. Carson, and their successors in office, be and they are hereby declared to be a body politic and corporate, by the name and style of the Trustees of the "Central Masonic Institute" of Alabama, and as such shall be capable and liable in law to sue and be sued, to plead and be impleaded, and shall be authorized to make such by-laws and regulations as shall be proper for the government of said Institution: *Provided*, That such by-laws and regulations are not repugnant to the constitution and laws of this State; and may have and use a common seal, and appoint such officers as they may think proper, and remove the same from office.

Names of corporators.

Corporate style and powers.

Proviso.

Sec. 2. *And be it further enacted*, That said Trustees, or body corporate, shall have power to erect buildings for the purposes of educating youth of both sexes, to borrow money, not exceeding five thousand dollars, by mortgage of their corporate property or otherwise, to accept of all manner of property, real, personal or mixed, all donations, gifts, and grants, which may be hereafter made or granted to the said Institution, or which may be hereafter conveyed or transferred to them, or their successors in office, to have and to hold the same for the use, benefit and behoof of said Institute, and to sell and dispose of the same: *Provided*, the same does not exceed in value fifty-thousand dollars.

Powers.

Sec. 3. *And be it further enacted*, That when any vacancy may occur by death, resignation, or otherwise, of any of the Trustees of said Institute, the survivors or residue of said Trustees shall fill the same in such manner as shall be pointed out by the by-laws and regulations of said corporation.

Vacancy.

Sec. 4. *And be it further enacted*, That all property owned by said Trustees, in their aforesaid corporate capacity, shall be vested in such body corporate, *in perpetuity*, for the use of said Institution, and for the purposes of education.

Property vested.

Organization.

Sec 5. *And be it further enacted*, That said Trustees, or a majority of them, may organize the corporation on notice signed by any three of them, and published for three weeks in a newspaper printed in said county, of the time and place of such organization, when, if a majority of said Trustees attend the meeting, they may proceed to organize by the election of a President and other proper officers.

Approved, Feb. 17, 1848.

[No. 14.]

AN ACT

To amend an act, approved 7th January, 1835, entitled "an act to incorporate the Centreville Bridge Company."

Preamble.

Whereas, it has been represented to this Legislature that, in consequence of the want of subscription of stock to an amount sufficient to the construction of the bridge contemplated to be built in said act, the interest of the said corporation has been duly assigned to Jacob Mayberry, who has constructed the same in a manner greatly advantageous to the public,—therefore,

Rights vested in
J. Mayberry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all the rights, privileges and powers vested by the above recited act in the said incorporation, be, and the same is hereby vested in Jacob Mayberry, his heirs and assigns, for the period prescribed in said act, with the power to collect the same tolls prescribed in said act, and do such other acts, and be liable to the same penalties stated in said act: *Provided*, That nothing in this act contained shall be in any way construed so as to affect any suit or suits at law now pending in favor of or against said Bridge Company.

Proviso.

Approved, March 6, 1848.

[No. 15.]

AN ACT

To incorporate the Ahuah Temple of Honor.

Corporate name
and powers.

Section 1, *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the several persons now associated as members of the Ahuah Temple of Honor, and such as may hereafter become members of the same, shall be recognized as a body

corporate, under the title of "The Ahuah Temple of Honor," and by that name to do all acts common to similar corporations, with power to hold real and personal estate to any amount not exceeding ten thousand dollars.

Approved, March 4, 1848.

[No. 16.]

AN ACT

To prevent the giving, selling or delivering of any kind of spirituous, fermented or other strong liquor to any student or pupil of the University of Alabama, or of any Academy or School of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That from and after the passage of this act, if any licensed retailer of spirituous liquors, or other person or persons who keep spirituous or fermented liquors for sale, shall give, sell or deliver to any student or pupil of the University of the State of Alabama, or of any Academy or School in this State, or to any other person for the use of any such student or pupil, knowing the use for which it is intended, any spirituous, fermented or other strong liquor of any kind whatsoever, without the consent or permission of a parent or guardian of such student or pupil, or of such person as may have the care and charge of such student or pupil, the licensed retailer or other person or persons so offending, shall be liable to indictment for each and every such offence, and shall, on conviction, be subject to a fine of not less than fifty nor more than five hundred dollars, to be assessed by the jury trying the case.

Selling spirituous liquor to any student or pupil, declared unlawful.

Penalty.

Sec. 2. *And be it further enacted,* That it shall be the duty of the several Circuit Judges in this State to give this act specially in charge to the grand jury, at each term of the Circuit Court over which they respectively preside.

Judges to give this act specially in charge.

Sec. 3. *And be it further enacted,* That it shall be the duty of all retailers of such spirituous or other liquors to take notice, at their peril, of all persons, provided they be minors, who are students of said University or of the Schools aforesaid.

Caution to retailers.

Sec. 4. *And be it further enacted,* That all laws or parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Repeals.

Approved, Feb. 18, 1848.

[No. 17.]

AN ACT

To amend the law in relation to Attorneys.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, if a judgment shall be obtained against any practising Attorney in this State for money collected by him for any client, and execution on any such judgment shall be returned by the proper officer with the enforcement thereon "no property found," it shall be the duty of the Judge of the Court to which such execution shall be so returned, upon motion, to order such Attorney so in default to be stricken from the roll of Attorneys, and such Attorney, after being so stricken from the roll of Attorneys, shall not be admitted to practice as an Attorney in any of the Courts of this State for term of five years thereafter.

When attorney
shall be stricken
from the roll.

For how long.

Power of Judge
in argument of
causes.

Liability of at-
torneys for mo-
ney collected.

Sec. 2. *And be it further enacted,* That the presiding Judge of any Court may permit, if in his discretion he thinks advisable to do so, more than two Attorneys to argue on each side of any cause on trial before him.

Sec. 3. *And be it further enacted,* That whenever any Attorney shall be proceeded against summarily, according to the provisions of Section six, on page sixty-five of Clay's Digest, in the same manner as Sheriffs may be, such Attorney shall also be liable to five per centum per month on the amount recovered from the time of the demand, until judgment.

Approved, February 18, 1848.

[No. 18.]

AN ACT

To require the name of the Judge presiding below, to be reported.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the Judges of the Supreme Court, so long as they report the decisions of said Court, or the Reporter of the decisions of the Supreme Court of this State, to publish the name of the Judge or Chancellor who presided at the trial of the cause below.

Name of Judge
who presided on
trial of cause be-
low to be publish-
ed.

Approved, February 10, 1848.

[No. 19.]

AN ACT

To amend and continue in force an act entitled "an act to regulate the affairs of the Banks, and provide for the payment of the State Bonds," approved the 4th February, 1846.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That the resignations of Francis S. Lyon, William Cooper, and Clement C. Clay, as Commissioners and Trustees appointed under and by virtue of the provisions of the above recited act, to settle the affairs of the Bank of Alabama and its several Branches, be and the same are hereby accepted.

Resignation of
Messrs. Lyon,
Cooper and Clay
accepted.

Sec. 2. *And be it further enacted,* That all the remaining effects of the Bank of the State of Alabama and of the several Branches thereof, and all debts, demands and estate of whatever description thereto belonging, shall be vested in Francis S. Lyon, of Marengo County, and his successor or successors in office, as Commissioner and Trustee; who, before entering upon the duties of his office, shall enter into bond, with good and sufficient security, in the sum of one hundred thousand dollars, payable to the Governor of the State, and to be approved by him, conditioned for the faithful discharge of his duties, whose term of office shall be two years, and until his successors are qualified, and whose duty it shall be to collect, secure, compound, compromise and settle the same at the earliest day the same can be done, having regard alone to the interest of the State. He may sell, lease or rent the real estate, and sell the personal property of said Banks for cash, and make such title to the same as may be vested in the Bank of the State of Alabama, or any of the Branches thereof: *Provided*, that in case of sale of real property, a longer time of credit than three years shall not be given to any purchaser.

All remaining
assets vested in
F. S. Lyon and
his successor as
trustee.

He shall give
bond for \$100,000

Term of service
two years.

His duties and
powers.
May compound
debts, sell real
estate and make
titles.

Provi. o.

Sec. 3. *And be it further enacted,* That the said act, entitled "an act to regulate the affairs of the Banks and provide for the payment of the State bonds," approved the 4th day of February, 1846, and all other laws now in force regulating the collection of the debts due to said Banks, and prescribing the mode of settling up their affairs, except so far as altered or modified by this act, be and the same are hereby continued in force.

Act of Feb. 4,
1846, declared
in force.

Sec. 4. *And be it further enacted,* That the said Commissioner and Trustee hereby appointed shall be, and is hereby authorized, in collecting the debts due to said

Trustee shall ex-
ercise full discre-
tionary powers.

Having in view
the interest of the
State.

[May appoint as-
sistants.

[Proviso.

*Compensation of
clerks.

[Ast. Com. to give
bond.

Trustee may use
funds belonging
to the State.

If thought neces-
sary for the pub-
lic good addi-
tional clerks shall
be appointed.

Proviso.

Proviso.

Penalty for using
funds.

POWER TO SUE
DURING.

Banks, and in disposing of the property, real and personal, belonging to such, and in settling up and closing the affairs of each, and in providing for the payment of the State debt, if in his judgment the public interest shall so require, to appoint, in addition to the principal assistant at each Bank, one Clerk at the Branch Bank at Montgomery, and two Clerks at the Branch Bank at Mobile: *Provided* such clerks are only retained so long as the public interest may require: *And provided, also*, the salaries of such clerks shall not exceed, at Mobile, at the rate of twelve hundred dollars per annum, and at Montgomery at the rate of eight hundred dollars per annum. And the said Commissioner and Trustee is hereby required to take good and sufficient bonds, with ample security, from the assistant commissioners, and clerks and agents, before they respectively enter upon the discharge of their several duties, in such sums as said Commissioner and Trustee may prescribe.

Sec. 5. *And be it further enacted*, That it shall and may be lawful for said Commissioner and Trustee hereby appointed, in providing and transferring funds for the payment of the public debt, or the interest thereof, to use any funds or means belonging to the State.

Sec. 6. *And be it further enacted*, That the said Commissioner and Trustee hereby appointed shall be authorized, if in his judgment the public interest would be thereby promoted, to appoint one competent Clerk to assist him in a careful investigation into the accounts, books, and affairs of each of said Banks, and in causing the accounts relating to their circulation and cash transactions to be thoroughly investigated and correctly stated: *Provided*, such Clerk shall only be retained in office so long as may be necessary to complete such investigations and correct the errors, if any there be, in the accounts of said Banks: *And provided further*, the salary of such clerks, for the time so employed, shall not exceed the rate of one thousand dollars per annum for the time so employed.

Sec. 7. *And be it further enacted*, That if said Commissioner and Trustee, or any agent, clerk, or officer by him employed, shall use any of the funds, means or assets of said Banks, for any other purpose than the purpose herein specified, and the needful expenses arising thereon, he or they shall hereafter, on conviction by a jury, in addition to the penalties now imposed by law, be rendered forever incapable of holding any office of honor, profit or trust in the State of Alabama.

Sec. 8. *And be it further enacted*, That in any and all suits in favor said Banks, or either of them, it shall be lawful for the said Commissioner or Trustee, or any agent or

attorney by him authorized, to certify that any note, bill, or paper sued upon is really and bona fide the property of such Bank, and such certificate, so signed by said Commissioner and Trustee, or agent or attorney, by him appointed, shall be valid and effectual in all Courts to the same extent that such certificates were made by the former Presidents of said Banks. And the several assistant commissioners shall have the same power to make such certificates for the Bank and several Branches for which they may be respectively appointed under this act.

Sec. 9. *And be it further enacted,* That all notices that may have been issued, all suits, judgments, decrees, and executions now pending in favor of the said Bank, or any of its Branches, shall be prosecuted to conclusion in the same manner as if this act had never been passed; and all suits hereafter to be commenced shall be prosecuted in the name of the Bank or Branch to which the debt may belong.

Suits pending shall be prosecuted.

Sec. 10. *And be it further enacted,* That in case of a vacancy in the office of Commissioner and Trustee, the said office shall be filled by the Governor of this State, and the person by him appointed shall give bond and security and be clothed with the same powers and authority hereby conferred on that officer, and be liable to the same disabilities and restrictions, and shall hold his office till the end of the next session of the General Assembly, unless sooner vacated; and upon good and sufficient cause, the Governor shall have power to remove the Commissioner and Trustee from office, and transfer to his successor all the Bank assets in his hands.

In case of vacancy Gov. shall appoint trustee.

Sec. 11. *And be it further enacted,* That it shall be the duty of the said Commissioner by this act appointed, to cause a full investigation to be made of all the accounts of all Bank attorneys, agents, marshals, sheriffs, and of all others who may have collected, or may have moneys of said Bank or Branch Banks in their hands, or be liable for the same, so as to ascertain what sums may be due from such agents at any time since the said Banks went into operation and which may yet be due, and that he take all necessary measures for the recovery of such sums as may be found to be still due from such agents to said Bank or Branches.

Accounts of bank attorney, agents, sheriffs, &c to be investigated.

Sec. 12. *And be it further enacted,* That the Commissioner and Trustee shall be allowed the sum of twenty-five hundred dollars per annum for his services; and before he enters upon his duties, shall take and subscribe an oath, that he will faithfully perform the duties required of him by this act, having regard alone to the public interests,

Compensation to Commissioner.

Shall take an oath.

free from favor or prejudice for or against any of the debtors to said Bank, which oath shall be filed in the office of Secretary of State.

Powers of Ast.
Commissioner.

Sec. 13. *And be it further enacted*, That the said Commissioner or Trustee may authorize the assistant commissioners, or either of them, to compound or compromise any particular debt, the same being bad or doubtful, under such limitations and restrictions as he may direct.

Trustee shall
make titles to
land sold.

Sec. 14. *And be it further enacted*, That said Commissioner shall have full power to make and execute deeds for all lands heretofore sold by the aforesaid Commissioners and Trustees, which shall vest in the purchaser the same title as if executed by all said Commissioners and Trustees while in office.

Explanation of
powers.

Sec. 15. *And be it further enacted*, That the powers given by the second section of this act, shall apply to all really bad, doubtful and disputed cases, although such debts may have been heretofore marked "good."

Approved, Feb. 4, 1848.

[No. 20.]

AN ACT

To divorce certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened*, That in pursuance to Decrees of the several Courts of Chancery in this State, hereinafter mentioned, the bonds of matrimony heretofore solemnized and subsisting between the following named persons be, and the same are hereby dissolved and annulled, viz:

That William H. Winfield be divorced from his wife, Sally Winfield, in pursuance with the Decree of the Chancery Court for the 13th district of the Southern division, at the October term thereof, 1846.

That Zelpha Roach be divorced from her husband, Jeremiah Roach, in pursuance to the decree of the Chancery Court for the 26th district of the middle division of said State, at the June term thereof, 1847.

That Benjamin Nearin be divorced from his wife, Rachael Nearin, pursuant to the decree of the Chancery Court for the county of Marshall, at the June term thereof, 1847.

That Martha Young be divorced from her husband, William Young, pursuant to the decree of the Chancery Court, for the 28th district of the Northern division of said State, at the May term thereof, 1847.

That Fielden Fields be divorced from his wife, Mary Fields, pursuant to the decree of the Chancery Court for the 28th district of the Northern division of said State, at the May term thereof, 1847.

That Angelot Phillippi be divorced from his wife, Mary Phillippi, pursuant to the decree of the Chancery Court, for the first district of the Southern division of said State, at the December term thereof, 1846.

That Louisa J. Chambers be divorced from her husband William K. Chambers, pursuant to the decree of the Chancery Court, for the 29th district of the Northern division of said State, at the May term thereof, 1846.

That Abednego Ward be divorced from his wife, Margaret Ward, pursuant to the decree of the Chancery Court, for the 8th district of the Southern division of said State, at the special term thereof, 1847.

That George W. Moody be divorced from his wife, Huldah Moody, pursuant to the decree of the Chancery Court for the 14th district, of the Middle division of said State, at the May term thereof, 1847.

That Mary Wilkerson be divorced from her husband, James Wilkerson, pursuant to the decree of the Chancery Court, for the 25th district of the Middle division of said State, at the July term thereof, 1847.

That Marston Mead be divorced from his wife, Rebecca Mead, pursuant to the decree of the Chancery Court for the 34th district of the Northern division of said State, at the June term thereof, 1846.

That John C. Cox be divorced from his wife, Almida Cox, pursuant to the decree of the Chancery Court, for the 25th district of the Middle division of said State, at the July term thereof, 1847.

That Mary C. Seay be divorced from her husband, William Seay, pursuant to the decree of the Chancery Court for the 29th district of the Northern division of said State, at the May term thereof, 1846.

That David B. Turner be divorced from his wife, Martha C. Turner, pursuant to the decree of the Chancery Court for the 4th district of the Southern division of said State; at the June term thereof, 1846.

That Elizabeth Meadows be divorced from her husband, Micajah Meadows, pursuant to the decree of the Chancery Court, for the 8th district of the Southern division of said State, at the November term thereof, 1847.

That Elizabeth S. Head be divorced from her husband, James Head, pursuant to the decree of the Chancery Court for the 9th district of the Southern division of said State, at a special term thereof in November 1847.

That Mary C. Pettis be divorced from her husband, David Pettis, pursuant to the decree of the Chancery Court, for the 1st district of the Southern division of said State, at the April term thereof, 1847.

That Mary Ann Gayham be divorced from her husband John Gayham, pursuant to the decree of the Chancery Court, for the 1st district of the Southern division of said State, at the April term thereof, 1847.

That Dorinda M. A. Brown be divorced from her husband, Phillip H. Brown, pursuant to the decree of the Chancery Court, for the 14th district of the Middle division of said State, at the May term thereof, 1847.

That Jeremiah Burns be divorced from his wife, Rachel Burns, pursuant to the decree of the Chancery Court for the 29th district of the Northern division of said State, at the May term thereof, 1847.

That Elizabeth Ann Baily be divorced from her husband John H. Bailey, pursuant to the decree of the Chancery Court for the 8th district of the Southern division of said State, at the November term thereof, 1847.

That Alexander Hastin be divorced from his wife, Martha Hastin, pursuant to the decree of the Chancery Court, for the 14th district of the Middle division of said State at the May term thereof, 1847.

That Sarah Hawkins be divorced from her husband, Joseph Hawkins, pursuant to the decree of the Chancery Court for the 30th district of the Northern division of said State, at the May term thereof, 1847.

That John O. Lamar be divorced from his wife, Sarah H. Lamar, pursuant to the decree of the Chancery Court, for the 9th district of the Southern division of said State, at the November term thereof, 1846.

That Ann A. Burge be divorced from her husband, Ja's Burge, pursuant to the decree of the Chancery Court, for the ninth district of the Southern division of said State, at the November term thereof, 1847.

That Frances Avant be divorced from her husband, Henry C. Avant, pursuant to the decree of the Chancery Court, for the 5th district of the Southern division of said State, at the May term thereof, 1847.

That Elizabeth C. Wilber be divorced from her husband Ezra Wilber, pursuant to the decree of the Chancery Court, for the 33d district of the Northern division of said State, at the June term thereof, 1847.

That Rebecca Little be divorced from her husband, William Little, pursuant to the decree of the Chancery Court, for the 33d district of the Northern division of said State, at the June term thereof, 1847.

That William Wallace be divorced from his wife, Margaret Wallace, pursuant to the decree of the Chancery Court, for the 24th district of the Middle division of said State, at the June term thereof, 1847.

That Nancy E. Manuel be divorced from her husband Mark Manuel, pursuant to the decree of the Chancery Court, for the 24th district of the Middle division of said State, at the June term thereof, 1847.

That Milly Aldridge be divorced from her husband, David Aldridge, pursuant to the decree of the Chancery Court for the 24th district of the Middle division of said State, at the June term thereof, 1847.

That Drucilla Roberts be divorced from her husband, Oliver C. Roberts, pursuant to the decree of the Chancery Court, for the 24th district of the Middle division of said State, at the June term thereof, 1847.

That Sarah Morrow be divorced from her husband, Josiah A. Morrow, pursuant to the decree of the Chancery Court, for the 24th district of the Middle division of said State, at the June term thereof, 1847.

That Nancy A. McWilliams be divorced from her husband, John G. McWilliams, pursuant to the decree of the Chancery Court, for the 17th district of the Middle division of said State, at the May term thereof 1847.

That Elisha Lambert be divorced from his wife Elizabeth A. Lambert, pursuant to the decree of the Chancery Court, for the 42d district of the Northern division of said State, at the August term thereof, 1847.

That Sarah Ann White be divorced from her husband, Wiley W. White, pursuant to the decree of the Chancery Court, for the 4th district of the Southern division of said State, at the June term thereof 1847.

That Joshua Baker be divorced from his wife, Sarah Baker, pursuant to the decree of the Chancery Court, for the 9th district of the Southern division of said State, at the extra November term thereof, 1847.

That Catharine W. Scott be divorced from her husband, Adam C. Scott, pursuant to the decree of the Chancery Court, for the 4th district of the Southern division of said State, at the June term thereof 1847.

That Catharine Powell be divorced from her husband, John S. Powell, pursuant to the decree of the Chancery Court, for the 10th district of the Southern division of said State, at the extra November term thereof, 1847.

That Joel T. Case be divorced from his wife, Rebecca C. Case, pursuant to the decree of the Chancery Court, for the 1st district of the Southern division of said State, at the April term thereof, 1847.

That Amanda Head be divorced from her husband, Bedford J. Head, pursuant to the decree of the Chancery Court, for the 16th district of the Middle division of said State, at the May term thereof, 1847.

That Eliza Allen be divorced from her husband, Martin Allen, pursuant to the decree of the Chancery Court for the 19th district of the Middle division of said State, at the June term thereof, 1846.

That Joseph T. Waller be divorced from his wife, Adaline E. Waller, pursuant to the decree of the Chancery Court, for the 16th district of the Middle division of said State, at the May term thereof, 1847.

That John W. Hughes, be divorced from his wife, Mary E. Hughes, pursuant to the decree of the Chancery Court for the 11th district of the Southern division of said State, at the July term thereof, 1847.

Approved, March 3d, 1848.

[No. 21.]

AN ACT

- To regulate permanently the sixteenth section fund.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

16th Section fund
invested in the
State as Trustee.

That all moneys arising from the sale of the 16th sections, which have been received by the Bank of the State of Alabama or any branch thereof, or which shall hereafter be received by the State of Alabama, shall be, and the same is hereby, vested in the State of Alabama as trustee for the several townships.

Money arising
from sale of 16th
sec. to be paid
into State Treasury

Sec. 2. *Be it further enacted,* That all monies which have been, in any manner, realized from the sale of sixteenth sections, or may be hereafter realized, from such sales, are hereby required to be paid into the State Treasury, for which certificates shall issue as herein after provided.

Report to be made
Compt. from
each bank.

Sec. 3. *And be it further enacted,* That it shall be, and it is hereby, made the duty of the commissioner, trustee, or whosoever may have the legal control of said bank and branches, to make, or cause to be made, a report to the Comptroller of Public accounts, setting forth and shewing the amount of money received by said bank and the several branches thereof, or to any agent, attorney, or other officer thereof, for, and on account of each township in the State: and when the same was received: and also, setting forth and showing what notes, taken upon the sale of six-

teenth sections have, at any time, been placed in said banks: and what disposition has been made of each of said notes, and the present condition thereof; specifying the notes taken for each township: and shall also, in said report, set forth what amount of interest, if any, is due to each township; on what account, and from what date: which said report shall be made within six months from the passage of this act.

Sec. 4. *And be it further enacted*, That upon such report being made to the comptroller he shall, within thirty days thereafter, certify to the Governor the amount received for each township: and thereupon it shall be the duty of the Governor to issue to the commissioners of the sixteenth sections in the several townships, certificates showing the amount received from and on account of, such township: which certificate shall be in such form as the Governor may direct and shall be signed by the Governor and countersigned by the Secretary of State, and shall have the seal of the State affixed thereto. *Provided*, however, where townships are divided by county lines, the certificate shall be made out to the county having the largest portion of said township. And *Provided* further, that an additional certificate shall be issued annually, to each county, as above provided for, whenever any additional 16th section moneys may be collected and paid.

Compt. shall report to Gov.

Certificates of stock to be issued

Sec. 5. *And be it further enacted*, That the Secretary of State shall keep a registry of each certificate thus issued, which certificates shall be transmitted to the Clerks of the County Court of each County, who shall make a copy thereof, in a book to be kept for that purpose, and shall deliver over the originals to the proper Commissioner.

Sec. of State shall keep registers of certificates.

Sec. 6. *And be it further enacted*, That the tax collector of each county, shall annually deposit with the County Treasurer thereof a sufficient amount of money to pay the interest that has accrued on the certificates of stock issued, as heretofore provided to the Commissioners of the 16th sections of the County, and shall take the County Treasurer's receipt therefor, which receipt certified by the Clerk of the County Court to be genuine and by the proper officer, shall be received by the Treasurer of the State from said tax collector in payment of taxes collected by him.

Duty of tax col. shall pay over to city treasurer.

Sec. 7. *And be it further enacted*, That the Commissioners of the several townships, in each County shall draw from the Treasurer the interest so deposited in the County Treasury, to which their several 16th sections may be entitled in the same manner as by law they are authorized to do from the State.

Com'rs. of townships may draw.

Sec. 8. *And be it further enacted*, That said certifi-

Rate of collection. cates shall bear an interest at the rate of six per cent per annum, payable semiannually from the date of said certificate.

Am't of interest how paid.

Sec. 9. *And be it further enacted*, That the Commissioner or trustee, of said bank and branches, shall pay all arrears of interest due to any sixteenth section up to the date of said certificate.

Com'sr. may extend debts.

Sec. 10. *And be it further enacted*, That the Commissioners of the sixteenth sections in the several townships may extend any debts now due (whether the same shall be in suit or otherwise) such townships, on account of the sale of the sixteenth sections, for four years by taking new notes with two good securities: which notes shall be made payable to the Governor and his successors in office, and deposited with the Comptroller of public accounts, who shall give his receipt for such notes.

16th sec. hereafter sold.

Sec. 11. *And be it further enacted*, That when a sixteenth section shall hereafter be sold, the note or notes shall be made payable to the Governor and his successors in office, and shall be deposited in the office of the Comptroller of public accounts, who shall give his receipt for such notes.

Com'sr. may rescind contracts.

Sec. 12. *And be it further enacted*, That whenever the commissioners of the sixteenth sections in any township, are of the opinion that any contract, of sale of sixteenth sections, should be rescinded, and the purchaser proposes to rescind the same, the commissioners shall have power to rescind such contract, under the provisions of an act entitled, "an act to amend an act for the relief of purchasers of sixteenth sections," approved February 4th, 1846.

16th sec. not paid for, Com'sr may exercise power to recover.

Sec. 13. *And be it further enacted*, That when any sixteenth section, or part thereof, has been sold, and all the notes given therefor have fallen due, and any one thereof remains unpaid, and the purchaser thereof has removed from the State, or died insolvent, or when any sixteenth section or part thereof, has been sold, and any one of the notes have fallen due, and suit has been instituted thereon, and such suit defeated by plea of the statute of limitations, or by any plea avoiding the contract of sale: or if such suit was matured into a judgment, and a return of "no property found" made on any execution issued on such judgment in any and all of the above cases the commissioners of such sixteenth sections may cause actions of forcible entry and detainer, forcible detainer, trespass to try titles, or ejectment, at their option, to be instituted in the name of the Governor of the State against any person or persons in possession of such sixteenth sections or part of said sixteenth sections, in all the above enu-

merated cases the contract of sale shall be considered as rescinded and held for naught: *Provided*, that the accounts referred to in the third section of this act, and ordered to be made, shall not be deemed and taken as conclusive: but it shall be competent for commissioners of each township to show and correct all errors, and for the Comptroller to do the same: and if issues of fact shall arise, the same may and shall be determined in any of the courts of this State, as other questions of fact are, by the verdict of a jury sworn and empannelled for that purpose.

Sec. 14. *And be it further enacted*, That all notes which may hereafter be given for the purchase of any of the several sixteenth sections, or any part thereof, which may hereafter be sold by the commissioners of any township, shall bear eight per cent interest: *Provided*, that nothing in this act shall authorize the investment in State stock or securities of interest accruing upon sixteenth section funds hereafter or as capital stock.

Sec. 15. *And be it further enacted*, That it shall be the duty of the Secretary of State to cause this act to be published for three weeks in the journals of this City.

Approved, March 6, 1848.

[No. 22.]

AN ACT

To provide for the inspection of Bagging and Rope.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That there shall be appointed by the Judge of the County Court of Mobile County an Inspector of Bagging and Rope brought into the City of Mobile for sale by any ship, brigantine, schooner, sloop, boat or other means of transportation, and if upon inspection of any bagging or rope it be found deficient in measurement or weight more than three yards per bolt of bagging, or three pounds per coil of rope, as shown by the original marks and brands on the same, or if he shall find any bolt of bagging or coil of rope fraudulently put up, he shall brand the same with his own name and the word "condemned," and shall mark thereon the true number of yards of bagging, or pounds of rope, and if the same shall be deficient in quality shall mark thereon the word "bad," and shall immediately give notice thereof to the consignee or consignees of such bagging or rope, and if such consignee or consignees shall for three days fail to pay to such inspector the value at the market

Notes hereafter
given to bear 8
per cent interest.

Proviso.

Duty of Sec. of
State.

Inspector of bag-
ging & rope shall
be appointed in
Mobile.

His duties defined

If bagging and
rope found defi-
cient or defective.

Penalty.

price thereof of four times the amount of such deficiency, said inspector shall immediately proceed to sell the same at public auction, and after deducting fourfold the amount of such deficiency, said amount, and the costs of inspecting the same, together with the costs of such sale, he shall pay over the remainder to said consignee or consignees; and of every sale so made the said inspector shall keep a full and true account, in a book to be procured and kept by him for that purpose: *Provided*, that the provisions of this act shall not before the first day of July next take effect, except so far as to require an inspection of all rope and bagging, and the marking and branding the same as in this act required.

If found good his duty*

Sec. 2. *And be it further enacted*, That every bolt of bagging and coil of rope found on inspection to be honestly and fairly put up and to contain the full number of yards or pounds represented by the marks or brands, shall be marked with the word "inspected," and the name of the inspector; and for all rope and bagging inspected as aforesaid, the owner or consignee, or holder thereof, shall pay to the Inspector, for every coil of rope five cents, and for every bolt of bagging ten cents.

Oath of Inspector

Sec. 3. *And be it further enacted*, That every Inspector appointed under the provisions of this act, shall take and subscribe the following oath before any officer authorized to administer the same, to wit: "I, —, do solemnly swear (or affirm, as the case may be,) that I will faithfully and to the best of my skill and ability discharge the duties required of me, as Inspector of Bagging and Rope, without favor or affection to any party or person whomsoever;" which oath, duly attested and certified by the officer administering the same, shall be deposited with the Clerk of the County Court, and by him shall be carefully filed and kept.

To be deposited with Clerk.

Inspector shall give bond.

Sec. 4. *Be it further enacted*, That every Inspector appointed under the provisions of this act, shall enter into bond, with good and sufficient securities, in the penal sum of five thousand dollars, payable to the Judge of the County Court of the County of Mobile, and his successors in office. And whenever any Inspector has complied with the requirements of this and the preceding section of this act, the Judge of the County Court shall issue a commission to the Inspector so employed, and he shall continue in office for the term of two years from the time of his appointment.

Judge shall commission him.

Penalty on Inspector for failing to do duty.

Sec. 5. *Be it further enacted*, That any Inspector failing to perform his duties as by law required, shall be liable to pay all losses or damages sustained by any person or

party in consequence of his failure to properly discharge his duty, to be recovered before any court of competent jurisdiction by the person or party so damaged.

Sec. 6. *Be it further enacted*, That upon any trial for neglect or failure to perform his duties, against any Inspector appointed under this act, it shall only be necessary to show that said Inspector has put his inspection mark or brand on any bagging or rope, as provided in the second section of this act, and that the same was found deficient in weight or measurement, or that the same was fraudulently put up. What sufficient evidence on trial

Sec. 7. *Be it further enacted*, That if any Inspector under the provisions of this act shall collude with any owner, consignee, holder or other person, to pass as inspected any lot of rope or bagging, when the same is deficient in measurement or weight, or has been fraudulently put up, he shall, upon conviction thereof, be fined in a sum not less than five hundred nor more than two thousand dollars, at the discretion of the jury trying the same, and shall also be sentenced to hard labor in the Penitentiary of the State for a term not less than two nor more than four years. Penalty on Inspector for collusion.

Sec 8. *Be it further enacted*, That if any person shall sell within the City of Mobile any bagging or rope not inspected and branded as required by the provisions of this act, or shall ship from, or in any way send beyond the limits of the said City of Mobile, any bagging or rope not inspected and branded as in this act required, he, she or they shall, upon conviction thereof, forfeit and pay double the worth of the rope and bagging so sold, shipped or sent beyond the limits of the city; one half of said forfeiture to be paid into the treasury of the State, and the other half to the use of the informer. Penalty for selling rope & bagging not inspected

Sec. 9. *Be it further enacted*, That it shall be the duty of the Inspectors under this act to keep diligent and vigilant watch on all bagging and rope imported into or exported from the City of Mobile, so as to prevent any violation of the provisions of this act. Duties of Inspector.

Sec 10. *Be it further enacted*, That whenever any Judge of the County Court of any county in this State, other than Mobile, shall be informed that bagging or rope are sold in his county, he shall proceed to appoint an Inspector for his county, whose duties and liabilities shall be the same as provided in this act for the Inspector of Mobile County: *Provided*, all bagging and rope that may be inspected in any one county shall not be subject to inspection in any other county, and that the penalty of the bond of the inspectors appointed under this section shall be fixed by the judge making the appointment. Inspector may be appointed in other counties.

Board of inspectors to fix standard and their duty.

Duty of Mobile county court.

What deemed fraudulently put up.

Inspector may appoint deputy.

Powers & duties of deputy.

Restrictive penalty.

Com. Merchants required to store cotton in ware house, if not shall not collect.

Sec. 11. *Be it further enacted*, That Edmund Harrison, Robert Craig, George G. Henry, John O. Cummins, and Benjamin B. Fontaine, of the City of Mobile, are hereby constituted a board to fix and determine a standard weight per yard for bagging, and that when said standard weight is so fixed and determined by them, said board shall certify the same to the Clerk of the County Court of Mobile County, who shall cause copies of the same to be sent to the Clerks of the County Courts of the several counties of this State, and the standard so fixed shall remain the standard weight of bagging until altered by law.

Sec. 12. *Be it further enacted*, That if any Inspector shall find the average weight of any lot of bagging below the standard determined by law, said lot of bagging shall be deemed and held by him as fraudulently put up, and shall be forfeited and sold, as provided in the first section of this act.

Sec. 13. *Be it further enacted*, That in case of sickness or other inability, it shall be lawful for any Inspector appointed under the provisions of this act, to constitute and appoint an assistant or deputy, who shall have full power to perform all the duties of Inspector, and for whose acts the principal Inspector and his securities shall be held accountable under his official bond, the same as if said acts were done and performed by the said principal; and for any offence against the laws regulating the inspection of bagging and rope, said assistant or deputy shall be punishable in the same manner and to the same extent as principal inspectors for like offences.

Sec. 14. *And be it further enacted*, That the penalties imposed by this law shall not apply in cases where the vender of bagging and rope in Mobile has purchased or imported the same before the first day of February next with the brand or mark of the manufacturer thereon, or the brand or mark of the inspector of any place out of this State, and when upon examination by the Inspector to be appointed under this law, it shall appear that there is a deficiency or falling off in the weight or measurement; in all such cases the person selling the rope and bagging shall make good said deficiency.

Sec. 15. *Be it further enacted*, That no commission merchant, or other person, shall collect or receive from any planter, or other person, any money for the storage of cotton in the City of Mobile, or for damage to the bagging and rope of said cotton, unless the cotton on which the same is charged was actually stored in some building under cover, for the time for which storage is charged.

Approved, February 24, 1848.

[No. 23.]

AN ACT.

Securing to married women their separate estates, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That if any woman, before and at the time of marriage, shall have and own, any property, or estate, whether the same be real, personal or mixed, in possession, remainder or reversion, or if any such estate shall, after marriage, by descent, gift, demise, or otherwise, accrue to any woman: All such estate and property, shall be taken, held and esteemed in law, as the separate estate of such woman, and for her sole and separate use notwithstanding her coverture—and no husband shall by his marriage, acquire a right to the property which his wife had upon his marriage, or which she may after acquire by descent, gift, demise, or otherwise, except as is hereafter provided for.

All property held by a woman at her marriage and afterwards acquired by descent &c. secured to her.

Section 2. *Be it further enacted,* That whenever any woman, upon or after her marriage shall have property, as provided for in the first section of this act, the said property shall be taken, esteemed and held, as trust property, and subject to, and governed by, all the rules of law now governing trust estates.

To be considered trust property.

Sec. 3. *Be it further enacted,* That upon the death of any woman intestate, and having a separate estate; as provided by the first section of this act, leaving a husband living, such husband shall be entitled to one-half of such estate, absolutely, if the said estate be personal—and for his life, if said estate be real.

In case of death of any woman holding property one-half to the husband.

Sec. 4. *Be it further enacted,* That if any woman having a separate estate as provided for in this act, shall survive her husband, and such separate estate is equal to her dower or child's part, in her husband's estate, then she shall not be entitled to dower or child's part; but if such separate estate be less than her dower or child's part; she shall have allotted to her, as dower or child's part, so much, as with such separate estate, would be equal to dower or child's part, had there been no such separate estate.

When wife having separate estate may and may not take dower in the lands of her husband.

Sec. 5. *Be it further enacted,* That for all articles of family supply or used in the family, the husband shall be severally, or the husband and wife jointly liable and suitable at law *Provided,* that nothing in this act shall be construed as to authorize the transfer of any property, whether real or personal from the husband to the wife either by virtue of sale or gift.

Articles for family supply held liable. Proviso.

Approved, March 1, 1848.

[No. 24.]

AN ACT

To regulate the mode of proving in Courts of Justice, the rates of Interest in the States of this Union.

Sec. of State to
compile and pub-
lish interest table
of the States.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Secretary of State to prepare and cause to be printed at the end of every pamphlet copy of the Acts of all Legislatures of this State, now and hereafter to be held, a table setting forth the several rates of interest in each and every State and Territory of the United States; and that the said table be certified by him to be correct; and that the same, when so printed and certified, be received as prima facie evidence, in all Courts of this State, to prove the rates of interest in the several States and Territories aforesaid.

Approved, February 18th, 1848.

[No. 25.]

AN ACT

To divorce certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That, in pursuance with the decrees of the several Courts of Chancery, hereinafter named, the bonds of matrimony heretofore solemnized and subsisting between the following persons be, and the same are hereby dissolved and annulled, viz:

That Mahala Mansell be divorced from her husband, John Mansell, pursuant to the decree of the Chancery Court for the 26th district of the Middle division of said State, at the July term thereof, 1847.

That Mary L. Bradford be divorced from her husband, Thomas M. Bradford, pursuant to the decree of the Chancery Court, for the 22d district of the Middle division of said State, at the July term thereof, 1847.

That Mary F. Manly be divorced from her husband, William A. Manley, pursuant to the decree of the Chancery Court for the third district of the Southern division of said State, at the June term thereof (being a special term) in the year 1847.

That Caroline S. Foreman be divorced from her husband, Isaac P. Foreman, pursuant to the decree of the Chancery Court for the 23d district of the Middle division of said State, at the July term thereof, 1847.

That Thomas A. Simms be divorced from his wife, Julia Simms, pursuant to the decree of the Chancery Court for the ninth district of the Southern division of said State, at the November term thereof, 1847.

That John Booth be divorced from his wife, Lucy Booth, pur-

suant to the decree of the Chancery Court for the eighth district of the Southern division of said State, at the November term thereof, 1845.

Approved, March 3d, 1848.

[No. 26.]

AN ACT

To prohibit foreign corporations from exercising Banking privileges in the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the first section of said Act be so amended as to read thus: That it shall not be lawful for any corporation, invested with the privileges of banking, and the authority for discounting bills of exchange and promissory notes, by any State other than the State of Alabama, to exercise such privileges by agent or otherwise, within the limits of this State, unless the same is exercised by the exclusive use of gold and silver coin, and bills issued by the authority of the State of Alabama: *Provided*, that if any corporation, or agent for any corporation, shall evade, or attempt to evade the provisions of this law, in the discount of any note or bill, by any subterfuge or pretence, then such note or bill so discounted, shall be void, and no recovery had thereon.

Foreign corporations restricted to gold and silver or State notes in purchase of bills of exchange.

Proviso.

Approved, March 4th, 1848.

[No. 27.]

AN ACT

To abolish and establish certain Election Precincts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the following election precincts be and are hereby abolished:

Abolished.

At Cross Plains, in the county of Benton;

At the house of John A. Pylant, in the county of Coosa;

At Penic's and at Dremont's and Barns' in the county of Dallas;

At Rocky Head and at Arthur's old place in the county of Dale;

At Cain Creek, at Gatesville and at Nelson's, in the county of Franklin;

At Bradley's, in the county of Lauderdale;

At Carter's Hill, in the county of Montgomery;

At the house of the late William M. Donaldson, in the county of Limestone;

At Double Springs and at the House of R. Brown, in the county of Cherokee;

At J. Leverat, in the county of Talladega;

Established.

At the house of John W. Pullum, in Henry county, and at the house of N. N. Barman.

Sec. 2. *Be it further enacted*, That the following named election precincts be and the same are hereby established:

At Elliott's old mill place, on Nance's creek, in the county of Benton;

At Wickersville and at Mount Jefferson, in the county of Chambers;

At the House of Benjamin F. Cleveland, in the county of Coosa.

At Westmoreland's store and at Orrville, in the county of Dallas;

At or near Barns' Cross Roads, in the county of Dale;

At Nowport and at Nauvoo, in the county of Franklin;

At the Open Pond, in the county of Henry;

At Burrell Ray's on Anderson's Creek, in the county of Lauderdale;

At Enon and at the store house of R. S. Griggs, in the county of Macon;

At Murphy's school house Pike road, Montgomery county;

At Villula, in the county of Russell;

At Romulus post office, at the store house of Robertson, Smith & Co., in the county of Tuscaloosa;

At the store house of H. B. Cartwright, in the county of Limestone.

At Gadsden, at Blue Pond, and at Peter Wagnon's in the county of Cherokee.

At James G. Bruton's, in Fayette county;

At Bizzel McClendon's in the county of Washington;

At the house of William K. Duke, in the county of Randolph;

At the store house of Philip Payne, in Coffee county;

At the house of Isaac Collins, in the county of Talladega.

Sec. 3. *And be it further enacted*, That the election precinct at the house of Mr Kilgore, in Russell county be abolished, and in lieu thereof one be and hereby is established at the Farmers' Academy in said county.

Sec. 4. *And be it further enacted*, That an election precinct be and the same is hereby established at the dwelling house of Alfred Lustre, in the county of Shelby.

Approved, March 4th 1848.

[No. 28.]

AN ACT.

To amend the law concerning the action of detinue.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*,

condition of de-
fendant's bond

That hereafter, in all actions of detinue, the condition of the bond authorized to be taken of a defendant, shall be, that the defendant,

if cast in the suit, shall, within thirty days after its determination, deliver the property recovered and also pay all the costs, and such damages for detention as may accrue after the giving of said bond, and the jury trying the cause shall, in assessing damages for detention, distinguish between the damages that accrued before bond given, and those that accrued after.

Sec. 2. *And be it further enacted*, That the Court trying any such action of detinue, is hereby required, upon the determination of any such action, to authorize the jury trying the same, to assess, as part of their verdict, the damages arising from the detention of said property, either against the plaintiff or defendant; and if either of said parties, who shall be unsuccessful in such suit, shall fail, as is now required by law, to deliver the property in suit, or satisfy the alternative judgment, and pay the damages, assessed as aforesaid, and costs, then, upon either of the bonds now authorized by law to be executed, either by the plaintiff, or defendant, it shall be lawful, on demand and return as the law now directs, for the clerk of the court, where the judgment is of record, to enter up judgment against the principal and sureties of said bond, and issue execution thereon, not only for the alternative judgment, but also for the damages assessed, as aforesaid, and costs of suit.

Duty of court & jury in assessing damages.

Sec. 3. *And be it further enacted*, That the provisions of the act of 14th January 1830, to regulate proceedings in certain actions of detinue, shall be held to apply to all cases where the action of detinue has been commenced without resort to the remedy provided by said act, if, in the progress of the suit, the parties find the same necessary, and shall take the affidavits, give the bonds, and comply with the other requisitions of said act.

Provisions of act of 1830 applied.

Sec. 4. *And be it further enacted*, That all laws, and parts of laws, conflicting with the several provisions of this act, are hereby repealed.

Approved, February 10th, 1848.

[No. 29.]

AN ACT

Authorizing the appointment of a Reporter of the Decisions of the Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Judges of the Supreme Court be hereafter authorized, from time to time, to appoint a suitable person Reporter of the decisions of said Court, who shall receive compensation for his services in the mode provided in the third section of this act.

Reporter to be appointed and who by.

Sec. 2. *Be it further enacted*, That the said Judges of the Supreme Court be, and they are hereby authorized to contract for the printing and binding of the Reports of said decisions, and that for this purpose they are authorized to draw upon the Treasury

Judges may contract for printing.

And draw upon
the treasury for
\$1,500 a volume.

When to be paid.

Compensation to
reporter, copy-
right secured to
him.

If reporter cannot
be obtained
judges to contri-
bute or report.

When no report-
or judges shall
report.

of the State, for a sum not exceeding fifteen hundred dollars, for each volume of Reports containing nine hundred pages, including the Index, &c. in type and pages of the size of those now used in the printing of said Reports; which sum so drawn for, shall be paid by the Treasurer upon the certificate of the Secretary of State, that one hundred copies of such volume neatly bound, have been deposited in his office for the use of, and free from expense to the State.

Sec. 3. *Be it further enacted*, That in order to compensate the Reporter for his services in the premises, the said Judges may contract to allow or transfer to him, the proprietorship of the copy-right of the volumes so reported by him, and the exclusive right to sell the same, for the term of fourteen years, for his own use; upon the condition, however, that he shall not sell said reports at a higher price than five dollars per volume, under the penalty of forfeiting such proprietorship; and if no suitable person can be employed on the terms indicated herein, to act as such Reporter, then said Judges shall, out of the salaries now allowed to them by law, contribute such further sum for the purpose, as may be necessary, or be themselves the Reporters of their decisions, as now provided by law.

Sec. 4. *Be it further enacted*, That whenever there shall be no Reporter appointed or acting under the provisions of this act, the said Judges shall as heretofore, be the Reporters; and the Reports shall be printed, paid for, published and sold, as now provided by law.

Approved, February 22d, 1848.

[No. 30.]

AN ACT

To authorize the Governor of Alabama to appoint an Agent to audit and settle the account between the Government of the United States and the State of Alabama.

WHEREAS it appears that there is still in the U. S. Treasury a balance due the State of Alabama on account of the five per cent fund, reserved from the nett proceeds of sales of public lands sold within the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Governor of this State, be, and he is hereby, authorized to appoint an agent whose duty it shall be to proceed to Washington City and investigate and settle the account relating to the said five per cent fund, between the government of the United States and the State of Alabama, and whatever balance may be found due the State, passed to the credit of the State, subject to the order of the Governor of Alabama.

Preamble.]

Gov. may ap-
point agent

Sec. 2. *Be it further enacted*, That said Agent be allowed as a compensation the sum of ten per cent on all sums which he may recover under ten thousand dollars, and five per cent on all sums over ten thousand and under twenty thousand dollars, and that said Agent be allowed no compensation whatever on all sums over twenty thousand dollars: *Provided*, That the compensation herein provided for shall only be allowed upon such sums as may be found to be due for five per cent funds heretofore accruing—and which has not been paid to this State on account of errors upon the books of the Treasury Department.

Compensation to agent.

Proviso.

Approved, Jan. 1, 1848.

[No. 31.]

AN ACT.

To divorce certain persons therein named, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That in pursuance to decrees of the several courts of Chancery in this State, hereinafter mentioned, the bonds of matrimony, heretofore solemnized and subsisting, between the following named persons, be, and the same are hereby, dissolved and annulled, viz.

That Wincy Adaline Lee be divorced from her husband, James W. Lee, pursuant to the decree rendered by the Chancery Court for the thirteenth District of the Southern Chancery Division, at the October term thereof in the year 1846.

That Emaline L. Stroud be divorced from her husband, Appleton M. Stroud, pursuant to the decree of the Chancery Court for the fifteenth District of the Middle division of said State, at the September term thereof in the year 1846.

Sec. 2. *And be it further enacted*, That the name of said Emaline L. Stroud, be, and is hereby, changed [to that of Emaline L. Owen.

Sec. 3. *And be it further enacted*, That Amanda Dortch be divorced from her husband, James Dortch, pursuant to the decree rendered by the Chancery Court for the 26th District of the Middle division of said State, at the July term thereof, eighteen hundred and forty-seven.

That Elizabeth Billingslea be divorced from her husband, Bowles Billingslea, pursuant to the decree rendered by the Court of Chancery, for the County of Autauga, at the May term thereof 1847.

Approved, January 17, 1848.

[No. 32.]

AN ACT

Prescribing and regulating the Fees of the Judges and Clerks of the County Courts of this State.

Fees of Judges
of county and
Orphan's court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the Judges of the several County Courts of this State shall receive the following fees, and none other, for their services as such Judges of the County and Orphans' Court, and that all other duties and services rendered by them shall be deemed and held as pertaining to their offices, for which they shall receive no compensation fee, or reward whatever to wit:

For granting letters testamentary, administration, or guardianship,	\$1 00
For order appointing appraisers but once in each estate,	25
For examining vouchers each,	05
For examining, stating and reporting the accounts of an executor, administrator or guardian, on final settlement only; which shall include com- pensation for performing every service connect- ed with the estate, except as herein otherwise expressly provided,	2 00
For approving every bond, other than those of executors, administrators and guardians,	50
For hearing application for dower, making all necessary orders for setting apart dower, and for approving report of Commissioners,	2 50
For all final judgments on the common law side of the Court,	2 00

All of which fees shall be taxed in the bill of costs and collected by the Sheriffs and clerks, and paid over to the judges.

Services for
which no fees are
allowed.

Sec. 2. *And be it further enacted,* That hereafter said judges shall receive no fees or compensation for any orders, other than those above stated; nor shall they receive any fees or compensation for decrees, or for time employed in the settlement of estates, as now allowed by law.

Fees of Clerks of
county and Or-
phan's court.

Sec. 3. *And be it further enacted,* That from and after the passage of this act, the several Clerks of the County Courts of this State, shall receive the following fees, and none other, for their services as such Clerks; and all other duties and services by them rendered shall be deemed and held as pertaining to their offices, for which they shall receive no compensation fee, or reward whatever, to wit:

For the like services by them performed, the same fees

as are now allowed by law to the Clerks of the Circuit Courts.

For taking and recording the probate of any will, and for letters testamentary thereon,	\$1 00
For taking bond of executors and administrators, and recording the same,	50
For recording a will or codicil, for every hundred words,	10
For issuing letters of administration,	1 00
For issuing letters of guardianship, and taking and filing bond.	1 00
For recording an inventory and appraisement for executors or administrators, or recording guardians' accounts, for every hundred words,	10
For issuing tavern licenses and taking bond,	50
For a copy of tavern rates,	25
For issuing a marriage license and taking bond, and for recording a certificate of marriage,	1 00
For every other license,	50
For recording every certificate of estray, and copy for advertising at the Court House,	50
For recording a deed of any description, and certificate thereon, or power of attorney with certificate, or other instruments required to be recorded, or for a copy of such deed, power of attorney, or other instrument, for every hundred words,	10
For every certificate to which the seal of the office is required by law to be affixed, and affixing the seal,	50
For every writ of <i>ad quod Damnum</i> ,	50
For recording the inquest and return thereon, for every hundred words,	10
For taking and certifying acknowledgments or relinquishments of dower,	50
For taking and certifying acknowledgements or proof of all deeds, mortgages, deeds of trust and powers of attorney,	50
For a commission to take depositions,	50
For every writ of lunacy,	1 00
For recording the return and inquest thereon, for every hundred words,	10
For filing and recording a declaration to legitimate children, or change a name,	1 00
For entering and copying order for reviewing and opening roads; for orders appointing overseers of roads, and copying the same; for recording proceedings of the commissioners of revenue	

and roads, and for other services for which no fee is herein specified or allowed, to be paid out of the county treasury, by order of the Commissioners Court, not exceeding per annum, 50 00

Partial settlements by guardians not to be charged for.

Sec. 4. *And be it further enacted*, That in all partial settlements of guardians, when the estate of the ward does not exceed one thousand dollars in value or amount, advertisements therefor shall be stuck up at the door of the Court House, and shall not be inserted in a newspaper; and no fees whatever shall be charged, or received by said judge or clerks for services rendered on making such settlements; and annual settlements of guardians shall not be required, except in cases provided for by the act of December 16th, 1836, entitled "an act regulating the management of the estates of minors, and others under guardianship.

When guardian of minors appointed, one bond to be taken, &c.

Sec. 5. *And be it further enacted*, That whenever any person shall apply for letters of guardianship, as regards two or more minors, having estates derived from the same source, either as legatees, distributees, or otherwise, the same shall be granted so as to include all of said minors in the same letters, and a bond shall be taken in a sufficient amount, conditioned as heretofore; which bond shall, in all respects, be in law a joint and several bond; and except in cases of final settlement, the settlements shall be joint, separating and showing the interest of each ward, but to be charged as one settlement; and on final settlement, as each ward becomes of age, or if a female married, the same may be several, as though the bond were several; the costs and fees, in all instances, for said letters of guardianship, for inventories, returns thereof, and settlements, to be the same as though there was but one ward.

Judges shall take no fee or reward for other services

Sec. 6. *And be it further enacted*, That the judges of said courts shall not, nor shall any one employed by him, or in his office, in any case pending in their respective courts, take any fee or reward for advice, or for rendering any aid or assistance, or for preparing the accounts of any executor, administrator or guardian; nor from any legatee, or distributee, under the penalty of fifty dollars, to be recovered by action of debt, before any justice of the peace, by such executor, administrator or guardian so improperly charged, and to be accounted for as other assets; and if any such judge or clerk shall receive any other or greater fees than are by this act expressly allowed, from any guardian, executor, or administrator, or other person, he shall, for every such fee so improperly received forfeit and pay to the person paying the same, the sum of fifty dollars, recoverable before any justice of the peace, in the name of the person who shall have paid such fee, to be by him ac-

Penalty.

Penalty on Judge or Clerk for receiving more than is allowed by this act.

counted for, if paid, as guardian, executor or administrator, as other assets; and it shall be their duty to sue for the same: *Provided*, this remedy shall not bar an indictment for extortion, nor prevent any person aggrieved to a greater amount than fifty dollars from recovering, in addition, whatever amount he or she may have illegally paid.

Sec. 7. *And be it further enacted*, That said judges and clerks shall keep their offices at the court houses of their respective counties, and shall keep them open for the transaction of business, from nine o'clock in the morning, until four o'clock in the afternoon, Sundays excepted.

Offices where to be kept & office hours.

Sec. 8. *And be it further enacted*, That said judges and clerks shall keep constantly on their tables a book, in which shall be entered all the fees which they have received; and it shall be the duty of the solicitor and the grand jury, during any and every term of the Circuit Court, and of the Criminal Court of the County of Mobile, to examine said fee book, and to inquire into the fact whether or not illegal fees have been received; and if they shall find that greater or other fees have been received than are allowed by this act, said judges and clerks shall be indicted, and if convicted, shall be fined not less than one hundred dollars nor more than five hundred dollars, and be dismissed from office; and the Court shall moreover have said conviction certified to the Governor, who shall fill the same as in other cases of vacancy.

Fee book to be kept.

Duty of Solicitors and grand jurors.

Sec. 9. *And be it further enacted*, That said judges and clerks, together with their securities on their respective official bonds, shall be liable thereon for all and each of the penalties, fines and forfeitures incurred by any violation of any of the provisions of this act.

Liability of judges & clerks on their bonds.

Sec. 10. *And be it further enacted*, That none of the fees hereinbefore mentioned shall be payable by any person whatsoever, until there be produced, or be ready to be produced, unto the person owing or chargeable with the same, a bill or account in writing, containing the particulars of such fees, signed by the clerk, or officer to whom such fee shall be due, or by whom the same is chargeable respectively; in which bill or account shall be expressed in words at length, as the fees aforesaid are allowed by this act, every fee for which money shall be demanded; and no executor, administrator or guardian shall be allowed for the payment of any fee, charge, compensation, or reward to any clerk or judge, unless such bill be so produced: *Provided*, that either before or after the payment of such fees or costs, any person interested may have the same re-taxed, on application, by any of the judges of the Circuit

Fee bills shall be made out at full length.

Proviso.

Courts, either in vacation or term time, first giving ten days notice of the time and place of such application.

Sec. 11. *And be it further enacted*, That all laws or parts of laws coming in conflict with the meaning and provisions of this act, be, and the same are hereby repealed.

Approved, February 18, 1848.

[No. 33.]

AN ACT

To establish and abolish certain election precincts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the following election precincts be, and the same are hereby, established, to wit: At the house of Caswell Martin, in beat No. four, in the county of Pickens, to be called Raleigh; at the house of George Warren, in the county of St. Clair; at the house of John Butler, in the county of Henry; at Blue Pond, in Cherokee county; at the house of James Thornton, in the county of Tallapoosa; at Lacey's Hill, in Pickens county; at Jemison's Mill, in Pickens county; at Monterey, in the county of Butler; at T. W. Smith's, in Tallapoosa county; at Cross Roads, in beat No. five, in the county of Shelby; at Orrville, in the county of Dallas; at Benjamin F. Darby's, in the county of Pike; at Woodville, in the county of Chambers; at Duskins School House, in the county of Walker; at William Dowdy's, in the county of Walker; at Jefferson, in the county of Marengo; at Enon, in beat No. seven, and at Warrior Stand, in the county of Macon; at Lamb's Store, in Macon county; at Dailey's store, in the county of Monroe; at the Battalion Muster Ground, near E. Brown's in the county of Benton; at Cowpen's Spings, in the county of Lauderdale; at Loach-a-po-ka, in the county of Macon; at Francis M. Perryman's, in the county of Randolph; at Charles Borens', at ——— McGill's, at Reuben Hart's, and at Elizabeth Padget's, in the county of Covington; at John Wilson's, on the Lookout Mountain, at Wagnon's, and at Gadsden, in Cherokee county; at Braham's Store, in the county of Jefferson; at John Shaw's, in the county of Butler; at Martin B. East's, in the county of Monroe; at David Kremer's, in the county of DeKalb; at James Hood's, in the county of Tallapoosa; at William Dunlap's in the county of Coosa; at Henry F. Wilkinson's in the county of Dale; at Robinson's Springs, and at William Vine's, in the county of Autauga; at Henson D. Hor-

Established.

bin's, in Blount county; at Pine Grove, in the county of Benton; at Hollow Square, in the county of Greene; at Daniel's Villa, in the county of Sumter; at New Ruin, in the county of Marengo; at Butler's Mill, in the county of Montgomery; at the Store House of William Alsbrooks, at the Store House of Stephen Boyet, and at the top of the hill, at the fork of the road near the old precinct, in beat No. two, in the county of Dale; at Edmund Furman's, and at Theophilus Kent's, in the county of Coffee; at Henry Jackson's, in the county of Montgomery; at James Bates', and at John F. Brown's, in the county of Jefferson; at John Butler's, in the county of Henry; at James McDonald's, in the county of Bibb; at Westmoreland post office, in the county of Dallas; at Caleb Coxe's, and at Henry T. Wilkinson's, in the county of Dale; at David Reed's, at George Brown's; and at John Brown's, in the county of Marion; at Payne's Store, in the county of Coffee; at Brewersville, in the county of Sumpter; at the house of Britton J. Pope, in the county of Perry; at Joseph Collier's, in the county of Madison; at the house of Isaac Hill, in the county of Butler; at the house of Baltimore Morris', in the county of Jackson, to be known as "Cave Spring Precinct;" at the Sample place, in Montgomery county.

Sec. 2. *And be it further enacted,* That the following election precincts are hereby abolished, to wit: At the house of A. J. Siddell, in the county of Talladega; at the house of Thomas Fowler, in the county of Henry; at the house of ——— Roundtree, in the county of Pickens; at Tallassee, in the county of Tallapoosa; at Gold Branch, in the county of Tallapoosa; at ——— Watkins', in the county of Tallapoosa; at Yeldell's store, in the county of Butler; at Louis Burnet's, in the county of Shelby; at Arthur Mullins' in the county of Shelby; at ——— Barnes', in the county of Dallas; at Henry M. Herrins', in the county of Pike; at Mount Hickory, in the county of Chambers; at John W. C. Jones', in the county of Walker; at Hance Kinney's, in the county of Walker; at George Brown's, in Jackson county; at Flat Beat, in Marengo county; at Steam Mill, in Macon county; at Bargamer's store, in Monroe county; at Franklin Tolbert's, in Benton county; at Huggin's, and at Stutt's in Lauderdale county; at Wiley W. Parker's, and at Wilsen Bass' in Covington county; at Brown's, and at Double Springs, in Cherokee county; at Mud Creek, in Jefferson county; at Pokeville, and at Henry Solomon's, in Butler county; at John Alderson's, in Tallapoosa county; at Thomas Dunlap's, in Coosa county; Coosawda, in Autauga county; at Barin's in Montgomery county; at McKinley's, in Marengo county;

Abolished.

at Intercourse, in Sumpter county; at Capt. Dufreese's Muster Ground, at Sugar Hill, and at Pesnall's Mill, in the county of Benton; at George Darley's, in Blount county; at Ledbetter's old Store, at the Rocky Mount, and in beat No. two in Dale county; at Edmund Russell's, in Coffee county; at Carter's Hill, in Montgomery county; at Jesse Cunningham's, in Jefferson county; at Avery's and at Moores', in Bibb county; at Pence's, and at Drennon's, in Dallas county; at Ira Barker's, and at Thadeus Walker's, in Marion county; at Milton, in Sumpter county; at Rockdale, in Randolph county; at Cobb's in Madison county; at the house of Abel Barge, in Butler county; at Moses H. Glascock's, in Jackson county; at Jones' Store, in Montgomery county.

Approved, Feb. 29, 1848.

[No. 34.]

AN ACT

Consenting to the purchase, by the United States, of lands for the purpose of erecting and maintaining thereon, Forts, Magazines, Arsenals, Dockyards and other needful buildings, and ceding, to the United States, title and jurisdiction over the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the United States be, and they are hereby authorized and empowered to purchase, acquire, hold, own, occupy and possess, such land or lands, within the limits of this State, as they shall adjudge it expedient, and shall seek to occupy and hold as sites on which to erect and maintain Forts, Magazines, Arsenals, Dockyards and other needful buildings, or any of them, as contemplated and provided in the United States; said purchase to be effected either by contract with the owner or owners, of said land or lands or in the manner hereinafter provided.

U. S. may purchase and hold land.

Sec. 2. *Be it further enacted,* That if the Executive officer or other authorized agent, employed by the United States, to make said purchase or purchases; and the owner or owners of the land, or lands contemplated to be purchased as aforesaid, cannot contract or agree for the sale and purchase thereof, it shall be lawful for such officer or other agent, to apply to the Chancellor of the Chancery Court, having jurisdiction within the county in which said land or lands, or the greater portion thereof, may be situated, respectively, to estimate the value of such land or lands, in manner hereinafter mentioned, and to order a conveyance of the same, to the United States, for the purpose aforesaid; whereupon it shall be the duty of said Chancellor, and he is hereby authorized and empowered, after reasonable notice given to said owner, or owners, their legal representatives or guardians; to hear and finally determine the value of the land, or lands, in

Parties disagreeing as to value of land how settled.

Application may be made to chancery court.

Duty of Chancellor.

question, by a competent jury, under oath, to be summoned by the sheriff, or other proper officer of said Court, for that purpose, or by a committee of three persons such as shall be agreed upon and appointed by the parties aforesaid; such committee if agreed on and appointed aforesaid, to be also duly sworn, faithfully and impartially to value the land or lands last aforesaid; and the value thereof being thus ascertained to the satisfaction of said Chancellor, after survey thereof, duly made under the direction of himself, or by consent of said parties, and such other proceedings in the premises as he shall deem right and proper, he shall order and decree the same to be conveyed in due form to the United States, to be held, owned and possessed by them for the purposes aforesaid, and none other: *Provided*, that the amount of such valuation, with the reasonable costs of such owner or owners, attending said proceedings, shall be paid to him, her or them, or into said Court, for his, her or their use, before execution or record of said conveyance: *And, provided moreover*, that if it shall appear to said Chancellor, upon objection made by said owner or owners, their representatives or guardians, that the quantity of any given tract, parcel or extent, of land sought to be purchased as aforesaid, is greater than is reasonable, he may, in his discretion, refer the matter of such objection to the Governor of this State for his determination.

Sec. 3. *Be it further enacted*, That whenever the United States shall contract for, purchase or acquire any land or lands, within the limits of this State, for the purposes aforesaid, in either of the modes above mentioned and provided, and shall desire to acquire constitutional jurisdiction over said land or lands for said purposes, it shall, and may be lawful for the Governor of this State, upon application made to him in writing, on behalf of the United States, for that purpose, accompanied by the proper evidence of said purchase, contract or acquisition of record, describing the land or lands sought to be ceded, by convenient metes and bounds, and the said Governor shall be, and he is hereby authorized and empowered, thereupon, in the name and on behalf of this State, to cede to the United States, exclusive jurisdiction over the land or lands, so purchased or acquired, and sought to be ceded, the United States to hold, use, occupy, own, possess, and exercise said jurisdiction over the same, for the purposes aforesaid, and none other whatsoever; *Provided always*, that the consent aforesaid is hereby given, and cession aforesaid is to be granted and made, as aforesaid, upon the express condition that this State shall retain a concurrent jurisdiction with the United States in and over the land or lands to be ceded; and every portion thereof, so far that all civil and such criminal process as may issue under the authority of this State against any person or persons charged with crimes committed without the boundaries of said land or lands so ceded, may be executed therein, in the same way and manner as though this cession and consent had not been made or granted; saving however, to the United States, security to their property within the said limits and extent, and exemption of the

Proviso.

Proviso.

Upon full acquisition of title by the U. S., Gov. to cede jurisdiction.

Proviso.

Conditions and jurisdiction reserved to the State of Ala.

same, and of said land or lands, from any taxation under the authority of this State, whilst the same shall continue to be owned, held, used and occupied, by the United States, for the purposes above expressed and intended, and not otherwise.

Approved, January 28, 1848.

[No. 35.]

AN ACT

To amend the existing laws relating to change tickets, or other paper intended to circulate as money.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the words "liable to be indicted" in the first, second and third sections, under the head of "miscellaneous offences" in Clay's Digest, page 436, be and the same are hereby repealed, and instead thereof the words "shall be indicted" be and the same are hereby substituted.

Law changed.

Duty of Judges
of cir. courts.

Sec. 2. *And be it further enacted,* That Judges of the Circuit Courts shall at every term at which they preside, give this act in charge to the Grand Jury, and all laws now existing by which Grand Jurors are permitted to exercise discretion in their presentments of indictments, so far as they may relate to the offences herein intended to be embraced, be and the same are hereby repealed.

Liability for passing
off before 1st
July next.

Sec. 3. *And be it further enacted,* That no person except a member of an incorporated company, or a Clerk, President, Secretary or other agent thereof, shall be presented for passing off any change bill or other paper in the nature thereof, issued and circulated by such companies, until after the first day of July next.

Toll bridge and
turnpike compa-
nies shall not re-
ceive or pay out
change tickets
under \$5. under
pain of forfeiting
charter.

Sec. 4. *And be it further enacted,* That in all cases where toll shall be received by any turnpike company, or bridge company, incorporated under the laws of this State, that it shall not be lawful for said companies by any of their agents, servants or officers, to receive or pay out any change bills or notes under the denomination of five dollars, or any note or paper passed as money, the passing of which is made unlawful by the laws of this State, and in case any such corporation shall allow any of its officers to violate the provisions of this section, by receiving for tolls any such unlawful paper, or passing the same off for change or otherwise, the said corporation shall forfeit the privilege granted by their charters, and may be proceeded against by *quo warranto*, for a forfeiture of charter: *Provided*, this act shall not be construed so as to prevent the receipt and payment by any corporation of bills issued by itself and now outstanding.

Proviso.

Approved, March 6th, 1848.

[No. 36.]

AN ACT

To divorce Williamson F. Mooney from his wife Matilda Mooney.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in pursuance of the decree of the Chancery Court for the 37th District of the Northern Division of said State, at the June term thereof, 1846, the bonds of matrimony, heretofore solemnized and subsisting between Williamson F. Mooney and Matilda Mooney be, and the same is hereby dissolved and annulled; and that the said Williamson Mooney be divorced from his wife, Matilda Mooney, pursuant to said decree.

Approved, March 4, 1848.

[No. 37.]

AN ACT

To amend the several laws now in force in relation to the return of executions by Sheriffs and Coroners.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, when any writ of execution shall come to the hands of any Sheriff or Coroner, and he shall fail to return the same to the office from which it issued, on or before the return day thereof, it shall be lawful for the Court to which such execution may be returnable, upon three days notice being given by either party thereto, and on motion of the plaintiff or plaintiffs, defendant or defendants, in said execution, to render judgment against the Sheriff or Coroner thus failing, and his sureties on his official bond, or any or either of them, at the rate of twenty dollars for every hundred dollars contained in the judgment or decree on which the execution issued, and so in proportion for any greater or less sum, and no more; and if the notice hereby required be not given to the Sheriff or Coroner, but be given to one or more of his sureties, then it shall be lawful for the Court to render judgment in the manner aforesaid, against the parties notified: *Provided*, that the defendant or defendants shall not have the remedy given under this action, unless he or they shall have paid said execution, or part thereof, when the fine shall be twenty per centum, and at that rate on the amount paid: *And provided fur-*

Remedy for failure to return execution.

Notice shall be given.

Penalty.

proviso.

ther, that no fine under this act shall exceed the sum of five hundred dollars; but the fine imposed under this act shall not impair any right of action, except for failing to return an execution.

Sec. 2. *And be it further enacted*, That if, in any suit against any Sheriff or Coroner, or their surety or sureties, for failing to return any execution, as required by law, it shall be made to appear to the satisfaction of the Court trying the cause, that such Sheriff or Coroner placed such execution in any post office in his county, and paid the postage thereon, (which shall be charged in the bill of costs,) for the purpose of returning the same, properly directed to the Clerk of the Court to which the same may be returnable, in time to reach said Clerk's office, by due course of mail, on or before the return day of such execution, then such Sheriff or Coroner shall not be held liable for failing to return such execution.

Provision in favor
of Sheriff.

Sec. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, March 3, 1848.

[No. 38.]

AN ACT

To enable guardians to keep their ward's slaves together in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter whenever the Judge of the Orphan's Court may be of opinion that it would advance the interest of any ward to have the slaves of such ward kept together, and such ward may own no lands suitable for working such slaves upon, it shall be lawful for said Judge to pass an order authorizing the guardian of said ward (if a suitable and proper manager of slaves,) to work such slaves as his own at such assessed annual hire as the Judge on sufficient proof, by reputable witnesses, not related to such guardian, may deem just: and the record of such order shall shew the names of such witnesses and substance of their depositions, otherwise the order shall be void.

In what case order may issue.]

Approved, Feb. 25, 1848.

[No. 39.]

AN ACT

To provide a more efficient remedy in cases of unlawful entry and detainer in the city of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That when any tenant or tenants of any lands or tenements in the city of Mobile, who may have executed a lease, or instrument in writing, creating or recognizing such tenancy, shall, after the expiration of the time provided in such lease or instrument in writing, hold over or detain the said lands or tenements, or any part thereof, from the owner, his agent or attorney, forty eight hours after demand made, on the complaint of the said owner, his agent or attorney in writing, as now provided by law in cases of unlawful detainer, and verified by the affidavit of the complainant, it shall be lawful for any Justice of the Peace in said city, before whom the complaint may be filed, to issue his warrant to the Sheriff of Mobile county, directing "him to put the complainant into possession of the said lands and tenements; which warrant shall be returnable in five days after the test thereof; *Provided,* that said warrant shall not issue till the sixth day after filing the complaint, nor until the defendant or defendants shall have had three days' notice of the complaint, and a copy thereof served upon him or them: *And provided,* said warrant shall not issue unless the complainant, his agent or attorney, shall enter into bond, payable to the party or parties complained against, with sufficient security, to be approved by the Justice, in double the amount of rent reserved in the said lease or instrument in writing, conditioned to pay the defendant or defendants, all costs and damage, he, she or they may sustain, by the wrongful or illegal complaint of the plaintiff or plaintiffs.

Remedy against persons holding over leave.

Powers of justices of peace upon affidavit.

Proviso.

Proviso.

Sec. 2. *And be it further enacted,* That for his services in such proceeding, the justice shall be entitled to demand and receive of the complainant the sum of one dollar and no more; and the sheriff, for his services, the sum of three dollars, and no more; for which costs execution may issue.

Justices' fee.

Sec. 3. *And be it further enacted,* That the defendant or defendants may remove the proceedings from the said Justice of the Peace, to the next term of any Court of record, having civil common law jurisdiction in the county, by certiorari: *Provided,* it be done within five days after service of copy of complaint on the defendant; and provided, the defendant pay the costs already incurred, and give bond in double the amount of rent received in the lease, or instrument in writing, exhibited by the plaintiff, payable to said plaintiff, and with good security, to be approved by the Judge granting the certiorari; conditioned to pay all costs and such damages as may be assessed by the jury trying the case in the court above; and the cause in the court above shall be tried *ed novo*, and the defendant may demur and plead to the com-

Proceedings may be removed to court of record.

Proviso. If done in five days.

Costs to be paid

Bonds to given.

plaint, as if it were an original cause in said court; and judgment shall be entered, and execution issue as in cases of appeals.

Writs of certiorari may be issued by who.

Sec. 4. *And be it further enacted*, That writs of certiorari, provided for in this act, may be granted by any Judge of the Supreme Court, or Circuit Court, or Chancellor, or by the Judge of the Orphan's Court of Mobile county.

Remedy in cases of unlawful detainer or unlawful or forcible entry and detainer.

Sec. 5. *And be it further enacted*, That in cases of unlawful detainer or unlawful or forcible entry and detainer, occurring in the city of Mobile, other than that mentioned in the first section of this act, and in cases where forfeiture of a lease, or a right of re-entry is claimed, by reason of the breach of any covenant or stipulation therein contained, and which by the terms of said lease, is to work a forfeiture, or give a right of re-entry, the Justice of the Peace receiving the complaint, (which shall be in form and manner as provided by the general law on the subject of forcible entry and detainer) shall summon two other Justices residing in said city; and they three shall form a court for the trial of the cause without a jury: *Provided*, the party complaining, his agent or attorney, shall verify the complaint by affidavit: *And provided further*, that in cases where a forfeiture of the lease is claimed, or where a right of re-entry therein reserved, is sought to be enforced, the party complaining shall give bond, payable to the defendant, in double the amount of rent reserved in said lease, with sufficient security, to be approved by the Justice receiving the complaint, conditioned to pay the defendant all costs and damages the said defendant may sustain by the wrongful or illegal exhibition of said complaint.

Proviso.

Duty of Justices of the Peace upon complaint made.

Sec. 6. *And be it further enacted*, That the Justice before whom the complaint, specified in section five of this act, is made, shall forthwith issue a summons to the party complained of, requiring him to appear at a specified place, and at a time not exceeding five days from the test thereof, which shall be served and returned to the Justice issuing the same, by the sheriff of the county, in the same manner as process from Courts of record; and on the return day of said summons, the three Justices shall proceed to hear and determine the cause upon the law and evidence provided; and their judgment shall be rendered in the form of a special verdict, finding the facts and the law thereon.

Judgment and proceedings before justices may be removed to court of record by certiorari.

Sec. 7. *And be it further enacted*, That the judgment and proceedings before the said Justices, may be removed to the next term of any Court of record, having civil common law jurisdiction, in the county, by certiorari, provided it be done within five days after judgment is rendered, and provided the party appealing first pay the costs of the Court below, and also enter into bond with good and sufficient security, to be approved by the Judge granting the certiorari, in twice the estimated value of the yearly rent of the lands and tenements in controversy; or where a lease or instrument in writing has been executed by the defendant, in twice the amount of the rent therein reserved, payable to his adversary in the suit, conditioned as provided in the third section of this act; and the cause in the Court above shall be tried

de novo, and the defendant may demur and plead to the complaint as if it were an original cause in said Court, and judgment shall be entered and execution issue as in cases of appeals.

Sec. 8. *And be it further enacted*, That the Justice issuing the summons shall preside at the trial of the cause below, and enter on his docket, copies of the complaint, summons, returns of the sheriff, pleadings and writ of restitution, and shall receive for so doing, ten cents for every hundred words; and in case of the removal of the cause to a higher Court, shall furnish the Clerk of such Court, a copy of the record hereinbefore provided, and receive therefor the like compensation.

Duty of Justice issuing summons.

Sec. 9. *And be it further enacted*, That if, at the expiration of five days, after the rendition of judgment below, excluding the day of the trial, no certiorari be allowed, in case the judgment be for the plaintiff, a writ of restitution, directed to the Sheriff, shall be issued by the presiding Justice, directing him to put the plaintiff in possession of the property in controversy, which shall be returnable not more than six days from the test thereof; and execution may issue against the losing party, for the costs incurred.

When writ of restitution may issue.

Sec. 10. *And be it further enacted*, That for their services in the said proceedings, in addition to the fees hereinbefore allowed him, the presiding Justice shall receive two dollars, and no more; the associate Justices each, one dollar; the sheriff three dollars; and the witnesses fifty cents per day, each.

Fees of presiding Justice.

Sec. 11. *And be it further enacted*, That whatever, by the general laws of this State shall constitute an unlawful detainer, or unlawful entry and detainer, or forcible entry and detainer, when occurring in the city of Mobile, shall be cognizable under this act; and when any tenant or tenants at will or at sufferance, for a part of a year, or one or more years, or any person claiming by, through or under them, or who shall take possession, on their desertion or abandonment of the demised premises during their term, or before their delivery to the lessor; and every person who shall fail to pay his rent, according to the terms of his lease, or violate any of the conditions or provisions of his lease, which are secured by a right of re-entry, or by a forfeiture of his term, or shall wilfully and without force, hold over any lands or tenements, after forty-eight hours demand and notice for the delivery of the possession thereof, to his landlord, his agent or attorney, the person or persons, so holding over shall be guilty of unlawful detainer.

General laws of unlawful detainer &c. applied to like cases in Mobile.

Sec. 12. *And be it further enacted*, That all laws and parts of laws relating to unlawful entry and detainer, and unlawful detainer, and forcible entry and detainer, and providing remedies therefor, applicable to the city of Mobile, excepting only the general law of this State, on the said subjects, be, and the same are hereby repealed.

Repeals.

Approved, March 3d, 1848.

To reform the evils arising from local legislation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That if any married woman shall be, or shall have been, abandoned by her husband for the space of twelve months, she may, by her next friend, file a bill in Chancery, to inquire into and try the facts of such abandonment, and for general relief; and said bill and the proceedings thereon shall be conducted according to the rules and practice in Chancery; and if it shall appear to the satisfaction of the Chancellor that the complainant has been abandoned as aforesaid, then it shall be his duty to make a decree, declaring such complainant a free dealer, and securing to her sole and separate use such a portion of the estate of her husband, if any, as may be just and equitable; and from and after such decree, the said complainant shall be capable in law and equity to sue and be sued, plead and be impleaded, contract and be contracted with, in her own name; and to purchase and hold property, real and personal, in her own name, free from the debts and contracts of her husband, and the same to sell, or otherwise dispose of, and to do all other acts which a *feme sole* may of right do; and no costs shall be taxed against such married woman, or her next friend, in any suit instituted or prosecuted to try the fact of abandonment, or for general relief.

Sec. 2. *And be it further enacted,* That hereafter, whenever the inhabitants of any town, not now incorporated, shall consist of not more than three thousand and not less than one hundred in number, on petition of ten of the voters in such town, applying for corporate powers, and designating the name and boundaries of such town, the judge of the County Court in which the same is situated shall, within thirty days thereafter, cause an election to be held in such town, by the sheriff, or other legal superintendant of elections, and the persons voting in said election shall write, or cause to be written, upon their tickets "corporation" or "no corporation," and the judge of the County Court shall cause such votes to be compared and counted within five days after said election, and if a majority of the qualified voters shall determine in favor of a corporation, he shall cause to be entered on the records of his Court an order that the inhabitants of such town shall be incorporated, under such name and style, and with such boundaries, as are designated in said petition; whereupon

Free dealers may
be made by Chan-
cery court when,
and how,

Towns and vil-
lages may be-
come incorpora-
ted and how.

said corporation shall be vested with powers to sue and be sued, to plead and be impleaded in the different Courts of this State, as natural persons, and to purchase, hold and dispose of property, real and personal, or mixed, for the benefit of said town, not exceeding, in cash valuation, the sum of ten thousand dollars; and the sheriff for the county in which such town is situated shall, within thirty days after the order of incorporation is entered on the records of the Court, according to the forms now prescribed by law in County elections, hold an election at such place in said town as he may designate, for a Mayor, or Intendant, and seven Aldermen, who shall hold their offices for the term of one year, and until their successors are qualified. All free white male inhabitants, citizens of this State, above the age of twenty-one years, and having resided in said bounds ten days previous to said election, shall be entitled to vote in such election; said Mayor or Intendant to act as justice of the peace within the limits of said corporation; and such corporation to have power to prescribe the manner and place of holding all subsequent elections, and to pass all such by-laws and regulations for the government of such town, not inconsistent with the laws of this State: *And provided*, that said inhabitants, by proceedings of a corresponding kind, may also alter and amend such corporate powers: *And provided, also*, that the General Assembly may, from time to time, alter, modify, amend or repeal such corporate powers.

Proviso.

Sec. 3. *And be it further enacted*, That it shall be lawful for any persons to associate together for the purposes of education; to assume such name as they may think proper, and adopt rules or articles for their government, not inconsistent with the laws of this State; and such persons and their successors, so associated, shall be capable and liable in law and equity, to sue and be sued, plead and be impleaded, and they shall be a body corporate, and may buy, sell, or dispose of all manner of property; and may also receive all donations, gifts, grants and privileges whatsoever, which may be transferred to them, or their successors in office, for the benefit of education: *Provided*, a copy of the articles of agreement, or instrument of union, be first deposited, and the names of the officers or trustees be recorded in the office of the Clerk of the County Court: *And provided, also*, that the General Assembly may alter, abolish or repeal the articles of agreement.

Associations may be formed for purposes of education and how.

Proviso.

Proviso.

Sec. 4. *And be it further enacted*, That sheriffs, coroners and jailors shall present their accounts for moneys which may be due them, and which by law is to be paid out of the State treasury, to the Solicitor and Judge of the

How sheriffs, coroners and jailors accounts against the State shall be certified & paid

Shall have 25 cts
per day for victu-
alling prisoners.

Powers of Com.
court in levying
tax for county
purposes.

Circuit Court, in open court, and such judge and solicitor shall inspect and examine such accounts, and examine witnesses if necessary, and if, in their opinion, such accounts should be allowed, they shall so certify on said accounts; and upon such certificates, and upon oath being made by such sheriff, coroner or jailor, as now required by law, such accounts, so certified and sworn to, shall be allowed by the Comptroller of Public Accounts, and paid out of any moneys in the State treasury, not otherwise appropriated: *Provided*, that no jailor shall receive more than twenty-five cents per day for victualling State prisoners.

Sec. 5. *And be it further enacted*, That whenever, in the opinion of the Commissioners of Revenue and Roads for any county in this State, it may be necessary to levy a tax for county purposes, said commissioners shall have power to levy such tax: *Provided*, such tax shall not exceed fifty per cent. on the State tax: *And provided further*, that the Legislature may, at any time, abolish such tax: *Provided*, that this act shall not prevent a county levy for a larger amount, in such counties as to which there is a special law authorizing a higher per centum on the State tax.

Sec. 6. *And be it further enacted*, That the commissioners of revenue and roads in the several counties of this State shall have power to change the times of holding their said commissioners' courts, whenever, in their judgment, the public convenience requires it.

How new regi-
ments may be for-
med and organ-
ized.

Sec. 7. *And be it further enacted*, That whenever it shall become necessary to form a new regiment, it shall be the duty of the officers of the regiment, or regiments, from which said new regiment is to be formed, to hold a court of inquiry, for the purpose of establishing the boundaries of, and otherwise organizing, said new regiment; and they shall certify their proceedings to the adjutant general, who shall number the regiment thus formed, in the order of time of its organization, and make known the same to the brigadier general of the brigade to which the new regiment may belong; and the brigadier general shall order an election for a commandant of said regiment, in the manner now provided by law.

Clerks of cir. &
co. courts requir-
ed to make out &
keep direct and
reversed indexes.

Sec. 8. *And be it further enacted*, That the Clerks of the Circuit and County Courts of this State, be, and they are hereby required to keep direct and reversed indexes of all records in their offices; and said clerks shall also prepare direct and reversed indexes of all records now in their offices, within twelve months from the passage of this law; and for any neglect or refusal to perform the duties required in this section, said clerks shall be liable to indict-

ment, and upon conviction, be fined in any sum that may be assessed by the jury trying the same. Penalty for failure.

Sec. 9. *And be it further enacted*, That the commissioners of revenue and roads in the several counties in this State shall have power to purchase lands for the erection thereon of Poor Houses, and shall make such rules and regulations in regard to the poor in their respective counties as they may deem needful and proper. Com'rs. may purchase lands and build poor houses

Sec. 10. *And be it further enacted*, That for the services required to be performed by the 8th section of this act, the clerks shall receive such compensation as shall be allowed by the commissioners of revenue and roads of the respective counties, to be paid out of the county treasury. Compensation to clerks for making indexes.

Approved, March 3, 1848.

[No. 41.]

AN ACT

To require persons owning or having charge of Slaves to treat them with humanity, and provide them necessary food and clothing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, it shall be the duty of every master, or other person having charge of Slaves, to treat them with humanity, and provide for them necessary food and clothing; and if any master, or other person having charge of any Slave or Slaves, shall fail to provide and furnish him, her or them with a sufficiency of healthy and substantial food and necessary clothing, he shall be subject to indictment therefor, and on conviction thereof, be punished by a fine, not less than twenty-five and not exceeding one thousand dollars. Duty of master to slave.

Sec. 2. *And be it further enacted*, That in all prosecutions under this act, the jury trying the cause shall be the judges of what constitutes a sufficiency of healthy and substantial food, and necessary clothing. Jury to judge.

Sec. 3. *And be it further enacted*, That no indictment under this act shall be quashed for want of technical correctness; and that an averment, charging the master, or other person having charge of any slave or slaves, that said master or other person had treated a slave or slaves with inhumanity, or that they had failed to provide and furnish the slave or slaves with a sufficiency of healthy and substantial What a sufficient allegation in the indictment.

food, or necessary clothing, shall be deemed sufficient, without particularly describing the act of inhumanity, or the manner in which there has been a failure to provide proper food and clothing.

Approved, February 26, 1848.

[No. 42.]

AN ACT

To prevent frauds &c. in sampling cotton, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That if any person shall cut, tear, or otherwise open any bale or bag of cotton, under any pretence of sampling the same, without the direction, or assent of the owner, agent or consignee of such cotton, the person or persons so offending shall be guilty of a misdemeanor, and may be indicted therefor, and upon conviction shall be find in a sum not less than ten nor more than one thousand dollars, at the discretion of the Jury trying the same, one half of which fine shall go to the person informing and the other half to the county in which the offence is tried.

Penalty for cutting cotton bale or bag without proper authority.

Sec 2. *And be it further enacted,* That if any person shall pick, pull or take from any bale or bag of cotton, any part or portion thereof, under any pretence whatever without the assent or by the direction of the owner, agent or consignee of such cotton, the person or persons so offending shall be deemed guilty of larceny, and upon conviction thereof shall in addition to the penalties now imposed by law in cases of larceny, shall be imprisoned in the penitentiary not less than one or more than ten years.

Penalty for picking, pulling or taking away cotton from the bale without proper authority.

Sec. 3. *And be it further enacted,* That if any person authorized to sample cotton, shall retain any part of the cotton taken from any bag or bale, or shall fail to deliver all the cotton by him taken from any bag or bale to the owner, agent or consignee thereof, such person shall be deemed guilty of larceny, and upon conviction shall be imprisoned in the penitentiary not less than two or more than ten years.

Penalty on cotton samplers for retaining cotton.

Sec. 4. *And be it further enacted,* That if any person shall buy or receive any cotton taken from any bag or bale without the consent of the owner, as provided for in the previous sections of this act, he shall be deemed and held guilty of receiving stolen goods, and upon conviction shall be punished as in other cases of receiving stolen goods.

Penalty for buying cotton so taken.

Sec. 5. *And be it further enacted*, That if any factor, commission merchant, consignee or agent, having the management and control of any cotton, shall authorize or knowingly permit any person to take from any bag or bale of cotton any part or portion thereof and to retain the same, to his own use, or otherwise dispose of, except to deliver the same to such factor, commission merchant, consignee or agent, shall be taken and deemed to be guilty of a misdemeanor, and upon conviction, shall be fined in a sum not less than fifty nor more than one thousand dollars for each and every offence.

Factor, commis.
merchant or con-
signee at such ta-
king liable to
penalty.

Sec. 6. *And be it further enacted*, That if any factor, commission merchant, consignee or agent, shall appropriate to his own use, any cotton taken from any bag or bale of cotton, or shall fail to return to or account to the owner for such cotton, such person shall be deemed guilty of larceny, and upon conviction shall be punished as in other cases of larceny.

Or appropriating
to their own use,
liable.

Sec. 7. *And be it further enacted*, That hereafter it shall not be lawful for any person to engage, employ, permit or suffer any slave or free person of color to sample any cotton; and if any person shall engage, employ permit or suffer any slave or free person of color to sample any cotton, the person so offending shall be guilty of a misdemeanor and on conviction, shall be fined in the sum of not less than fifty nor more than one thousand dollars, at the discretion of the jury trying the same.

Slave or free per-
sons of color
shall not sample
cotton.

Penalty for so
doing.

Sec. 8. *And be it further enacted*, That if any person, or persons, owning, controlling, or having charge of any cotton press or pickery shall pack or bale any unpacked cotton, for any white person, slave or free person of color, other than the lawful owner, of such cotton or a consignee, or commission merchant, or factor engaged in business as such at the time in Mobile, the person or persons so offending shall be subject to indictment therefor and on conviction thereof shall be subject to a fine of not less than five hundred or more than one thousand dollars, and any person so convicted and fined who shall be unable, or who may refuse to pay such fine, shall be sentenced by the Judge trying said cause to the penitentiary for not less than one year: *Provided*, that nothing in this act contained shall be construed to prevent the repacking of cotton for the lawful owner thereof, or from compressing any bales in order to shipment: *And provided further*, that no person shall be considered the lawful owner of cotton who obtains the same by sampling, or from another or others who obtained it by sampling: *And provided further*, that no

Penalty on owner
of pickery for
buying cotton of
slave or free per-
son of color.

Proviso, cotton
may be repacked.

Proviso.

slave or free person of color shall in any case be considered the lawful owner.

Solicitors fees. Sec. 9. *And be it further enacted*, That in all cases of conviction under any of the provisions of this act, the Solicitor's fee shall be fifty dollars.

Approved, Feb. 29, 1848.

[No. 43.]

AN ACT

To divorce Martha Nowlin from her husband Calvin Nowlin.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in pursuance to decrees of the several Courts of Chancery in this State, hereinafter mentioned, the bonds of matrimony heretofore subsisting between the following named persons, be, and the same are hereby dissolved and annulled, viz:

That Martha Nowlin be divorced from her husband, Calvin Nowlin, pursuant to the decree rendered by the Chancery Court for the thirty-second district, at the May term thereof, in the year eighteen hundred and forty-seven.

Approved, Feb. 3, 1848.

[No. 44.]

AN ACT

In relation to the grant of Letters Testamentary.

When bond shall not be required of executor. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter, it shall be the duty of the Orphan's Court, to grant Letters Testamentary without requiring bond and security, in all cases in which a testator has so requested, as provided by his last will and testament.

Creditor making affidavit may have proceedings. Sec. 2. *Be it further enacted*, That, if at any time, after granting such letters testamentary, any creditor or creditors, shall make affidavit, setting forth the amount due to him or them, from said testator, and that he or they believe that said debt is endangered by reason of such letters having been thus granted, a citation shall issue, requiring such representative to appear and shew cause why surety shall not be given, which shall be decided according to the right of the application: *Provided*, that lega-

tees, distributees and heirs, by themselves or guardians, Proviso.
 may have the benefit of the provisions of this section for
 their security also: *And provided further*, that in all cases Proviso.
 where it may come to the knowledge of the Court granting
 letters testamentary, that the estate is likely to be wasted
 to the prejudice of the heirs or any of them, it shall be the
 duty of such Court to require bond and security to be given
 as now provided by law.

Approved, March 6, 1848.

[No. 45.]

AN ACT

To change the time of the meeting of the General Assembly.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That, hereafter, the session of the General Assembly shall commence and be holden on the second Monday in November. Meet 2d Monday in Nov.

Approved, March 2d, 1848.

[No. 46.]

AN ACT

To prevent slaves from going at large, and hiring their own time, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That if any master, owner, overseer or other person having the management and control of any slave, shall permit such slave to go at large, or shall permit such slave to hire of such owner, or other person having the management thereof, his, her or their time; or if any such person shall permit such slave to hire his, her or their time or services, to any other person, all persons so offending may be indicted for a misdemeanor, and upon conviction, be fined in a sum not less than five, or more than one hundred dollars, at the discretion of the jury trying the same: *Provided*, that the proper authorities of any corporate city or town, in this State, may grant license or permission to owners of slaves to allow their slaves to work out and hire their time by the day. Penalty for permitting slave to go at large or hire their time.

Approved, March 6, 1848. Proviso.

[No. 47.]

AN ACT

To save the accumulation of costs in State Cases.

When State docket shall stand for trial, where court sits but 1 week.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter in counties where the Circuit Courts are holden one week, and only one week, the State docket shall stand for trial on the third day of the term, and no witness, in a State case, shall be subpœnaed to attend, or entitled to charge for attendance, at an earlier day: *Provided*, this act shall apply only to the counties of Pike and Coffee.

Proviso.

Approved, March 6, 1848.

[No. 48.]

AN ACT

Prescribing the time for electing Electors of President and Vice President of the United States.

Election Tuesday next after first Monday in Nov.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That the elections for Electors of President and Vice President of the United States, shall be held on the Tuesday next after the first Monday in the month of November next, and on that day every four years thereafter.

Approved, March 4, 1848.

[No. 49.]

AN ACT

Regulating the charges of officers of the State Bank and Branches, whilst in attendance upon the Courts.

Shall give attendance free of charge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Assistant Commissioners, Clerks, Agents, or any other persons employed by the State in settling the affairs of the State Bank and Branches, who shall be required to attend the Courts, as witnesses, in all cases in which the State Bank or any Branch thereof is a party, shall give their attendance free of charge, so far as the State is concerned: *Provided*, that nothing contained in this act shall prevent the payment of the necessary expenses of such

Proviso, but necessary expenses not paid.

officers and agents, whilst in attendance upon the courts: *And provided further*, that the State be entitled to all fees recovered by said officers as witnesses, in such cases.

Approved, February 25, 1848.

[No. 50.]

AN ACT

To regulate the appointment of Administrators of insolvent estates.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That on the application of any person to the Judge of the Orphan's or Probate court, in any county in this State, to have the sheriff, coroner, or general administrator, appointed the administrator of any insolvent estate, it shall be the duty of such Judge, at his discretion, if it appears the assets of said estate are insufficient to pay all costs, to require the party so applying, as a condition precedent to the issuing of letters of administration, on said estate, to give bond, with sufficient security, payable to said sheriff, coroner, or general administrator, indemnifying him against any liability for costs that he may incur by reason of such administration.

When appointment may be made.

Condition precedent

Sec. 2. *Be it further enacted*, That whenever costs to the amount of the bond, given under the first section of this act, have accrued in the administration of any insolvent estate, the party or persons interested shall upon application by said sheriff, coroner, or general administrator, give additional bond and security, after thirty days notice thereof; and if such additional security be not given upon the expiration of said time, then said sheriff, coroner, or general administrator, may resign the administration of said insolvent estate.

When additional bond shall be given.

Approved, Feb. 18, 1848.

[No. 51]

AN ACT

To diminish the cost of suits.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened*, That when any person shall be summoned to attend any Circuit Court of this State, as a witness

Witnesses summoned once shall attend from term to term till discharged.

Proviso.

in any civil cause, such person, so summoned, shall be bound to attend said court from day to day, and from term to term, of said court until the suit, in which said witness shall be summoned, shall be tried, unless such witness shall be sooner discharged by the party at whose instance he, she, or they may have been summoned: *Provided*, that the foregoing part of this section shall not apply to any county where the term of the Court is of longer duration than one week.

Duty of clerks.

Sec. 2. *Provided*, That it shall be the duty of the Clerks of the several Circuit Courts in this State, to issue subpoenas for the witnesses in all cases in which new trials may have been granted, or such causes as shall be remanded by the Supreme Court, and for the execution of writs of inquiry.

Party liable to costs may move for a retaxation.

Sec. 3. *And be it further enacted*, That any party or parties liable for costs in any suit, may on motion to retax the costs of the same, contest the fact of the attendance, mileage and ferriage of any witness, or witnesses as charged in said costs: *Provided*, that such witness, or witnesses shall have five days notice of said motion.

Force of witness certificates in suits founded there.

Sec. 4. *And be it further enacted*, That in all suits in any of the courts of this State, founded on witness certificates, the party or parties against whom such certificates are issued may controvert the facts stated in the same, and such certificates shall be deemed and held to be prima facie, and not conclusive evidence of their contents.

Approved, Feb. 25, 1848.

[No. 52.]

AN ACT

In relation to the probate of Deeds before a Justice of the Peace.

Preamble.

WHEREAS, doubts have arisen as to the authority of a justice of the peace for one county to take and certify the acknowledgements of deeds and relinquishments of dower to lands lying in another county; for remedy whereof,

May take acknowledgment and relinquishments of dower.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That any justice of the peace shall, hereafter, be authorized to take and certify acknowledgments of deeds and relinquishments of dower to lands, whether the same be in their respective counties or not.

Certificates valid

Sec. 2. *Be it further enacted*, That all acknowledgments of deeds or relinquishments of dower, hereafter taken before and certified by a justice of the peace, to lands lying

out of the county of his residence, shall be valid and legal: *Provided*, that nothing contained in this section shall affect the rights of persons not a party to such deed. Proviso.

Sec. 3. *Be it further enacted*, That when any deed shall be acknowledged before any justice of the peace, not residing in the county where the lands embraced in such deed lie, it shall be the duty of any person wishing to have such deed recorded, to obtain a certificate of the Clerk of the County Court where such justice resides, certifying that such justice is a duly qualified acting justice of the peace in the particular county; and no deed, thus acknowledged, shall be admitted to record without such certificate, which certificate shall be recorded with such deed. When deed is executed out of the county where the land lies.

Approved, February 21, 1848.

[No. 53.]

AN ACT

To amend the law upon the subject of Depositions, and of discoveries at law.

Section 1, *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That if it shall appear, by the written affidavit of a party interested in any pending civil cause, or of his agent or attorney, either in the courts of law or equity, that his claim or defence, or a material part thereof, depends on the testimony of a single witness, it shall be lawful to take the testimony of said witness upon interrogatories, or by deposition under commission, according to the rules of law and practice regulating the taking of depositions to be used in such courts respectively, and upon reasonable notice, as is now authorized by law, in the case of depositions of a witness about to leave the State: *Provided*, that if it shall appear at the time of trial that such witness is within the reach of the process of the court, and his or her personal attendance can be obtained, such testimony taken by deposition, or upon interrogatories, shall not be read in any case in which the adverse party would be entitled to require the testimony of such witness to be given orally, at the trial. Upon affidavit filed deposition may be taken. Proviso. Not to be read if personal attendance can be had.

Sec 2. *And be it further enacted*, That all laws of force at the time of the approval of this act, providing for discoveries at common law, shall be held applicable to any cause pending in any Orphans' Court in this State, and on failure to answer interrogatories allowed under either of said laws, the said Orphans' Courts are authorized to compel answers by process of attachment, and not otherwise. How discoveries shall be made in Orphan's court.

Approved, Feb. 25, 1848.

[No. 54.]

AN ACT

Reorganizing the Comptroller's and Treasurer's departments.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the Comptroller of Public Accounts to superintend the fiscal affairs of the State, and to manage the same as required by law; to make, and preserve in his office, in suitable books, fair and accurate records of all accounts between this State and the United States; to keep records of all accounts between the State and the Treasurer thereof, charging him with the balance in the treasury when he came into office, and with all moneys received by him, and credit him with all warrants drawn on, and paid by him; to keep a regular account with each and every person, in every county in this State, who may be, by law, authorized to collect and receive any part of the revenue of this State, in suitable books, in which he shall charge each person, so authorized, with all sums of money due from them severally, by virtue of their office, and credit each person with all sums of money by him paid to the treasurer, having first certified the amount, or balance, to the treasurer; to countersign and enter all receipts for money paid to the treasurer, and no such receipt shall be evidence of payment unless so countersigned; to keep records of all accounts with every officer of this State; to keep, in suitable books, an account of every special or trust fund; to keep records of all bonds issued and paid, and of all interest paid; to keep a docket of all suits instituted against all delinquent collectors of the revenue, or other persons accountable for public money, setting forth the the time when notice issued, to what sheriff directed, the sheriff's return, when and how settled.

Sec. 2. *And be it further enacted,* That said Comptroller shall, during the second week of each regular session of the General Assembly, submit to each House, his views as to the proper objects of taxation, with such plans and estimates as, in his opinion, may be expedient for using the public money to the best advantage; for lessening the public expenses, and sustaining the credit of the State; also, a detailed estimate of the expenditures, to be defrayed from the treasury, for the ensuing two years; and the said report shall contain tables, showing in detail the names of all persons in whose favor warrants have been drawn within the period embraced in the report; when drawn, under what law, and for what amount; also, the amounts of the

Duties of Comptroller defined.

His duty in making his reports upon the finances

total assessments made in each county, for each of the two preceding years, showing in separate columns the amount of total assessments upon each item of taxation; the amount paid in each county for retail or other licenses; the amount of insolvencies; the amount of commissions, and the nett amount of revenue paid into the treasury.

Sec. 3. *And be it further enacted*, That the bonds given for the two per cent. fund, and all bonds and other securities for money belonging to this State, shall be deposited and kept in the office of the Comptroller, and he shall, from time to time, examine such bonds or other securities, relative to the sufficiency of the security for the payment of such moneys, and if he discovers any deficiency therein, he shall, forthwith, report the same, in writing, to the Governor: Said Comptroller shall, also, put such bonds, or securities, in suit, whenever it may become necessary for the collection of principal or interest; and all payments upon the same shall be made to the Treasurer, on the warrant of the Comptroller.

All public securities to be kept in Compt. office.

Sec. 4. *And be it further enacted*, That it shall be, and is hereby made, the duty of the State Treasurer, during the second week of each biennial session of the General Assembly, to make his report to each House, showing the amount paid into the treasury for the two years preceding, having regard to the period observed as the fiscal year, arranged by counties, distinguishing such counties as have made partial payments from those that have paid in full; also, statements of all sums of money he shall have paid away, on behalf of the State, for the two preceding years, specifying the amount, the person and his office, to whom he pays, and for what purpose he has paid such sums, with an exact statement of the balance in the treasury to the credit of the State; and at the session of 1849, he shall include in his report the amount paid into the treasury by each county for the five preceding years.

Duties of State Treasurer defined

Sec. 5. *And be it further enacted*, That if said treasurer divert or misapply any money paid into the treasury, contrary to any act, or acts, of the General Assembly, said treasurer, for such offence, shall forfeit his office, and be incapable of holding any office of profit or trust in this State, and moreover shall be liable to pay double the value of any sum or sums so misapplied, to be recovered for the use of the State, by motion of the Comptroller, or his attorney, in any Circuit Court, holding a regular or special session, in the county designated by law for the sitting of the General Assembly.

Peealty for using public money.

Sec. 6. *And be it further enacted*, That if any State Treasurer die, resign, be discharged, or cease to hold his

In case of vacancy in Treasurer's office accounts to be stated.

office, then such treasurer, or, if he be dead, the comptroller of public accounts, (where some person in behalf of said treasurer, upon due notice given, may attend for the purpose of aiding in such settlement,) shall fairly and regularly state the account, and deliver the books, papers and money belonging to the treasury, to the succeeding treasurer, and take his receipt therefor; and the comptroller shall file, in his office, a statement of such settlement, together with the receipt, which shall be by him recorded in his office, and shall make report thereon to the first session of the legislature thereafter.

Reports shall be made to Gov.

Sec. 7. *And be it further enacted*, That it shall be the duty of the Comptroller of Public Accounts, and the State Treasurer, to submit to the Governor of this State, by the first day of December, 1848, and every two years thereafter, reports, showing the amount of moneys received during the preceding year, and the amount disbursed; also, tables exhibiting the amount of total assessments in the several counties the preceding year; the amount returned for licenses granted; the amount of insolvencies and commissions, and the nett amount of revenue paid in; how much remains unpaid; from what tax collector, or collectors, and what steps have been taken for the collection of any balance due; and the Governor is hereby required to have such report, or an abstract thereof, published in four newspapers in the State.

Date of fiscal year.

Sec. 8. *And be it further enacted*, That the fiscal year, in the comptroller's and treasurer's offices, shall end on the first day of November.

Where offices to be kept and office hours.

Sec. 9. *And be it further enacted*, That the comptroller of public accounts and State treasurer shall keep their offices at the place designated by law for the sitting of the General Assembly, and shall keep them open from ten o'clock in the morning until one in the afternoon on every day. (Sundays, the fourth of July, and Christmas excepted.)

Compt. salary.

Sec. 10. *And be it further enacted*, That the comptroller of public accounts shall receive for his annual salary the sum of twelve hundred and fifty dollars, to be paid him quarterly by the treasurer of the State, without warrant.

Treas. salary.

Sec. 11. *And be it further enacted*, That the salary of the treasurer of the State shall be twelve hundred dollars per annum, payable quarterly, by warrant, drawn for that purpose by the comptroller.

Sec. 12. *And be it further enacted*, That all notices issued by the comptroller of public accounts, against any delinquent collector of the revenue, or against any other person accountable for public money, his security, or se-

curities, executors or administrators, the same shall be made returnable before the Circuit Court of the county designated by law for the sitting of the General Assembly; and any special court, called for the purpose aforesaid, shall be held as above provided.

Process against delinquent collectors where returnable.

Sec. 13. *And be it further enacted*, That the Governor shall exercise a general supervision over the offices of the comptroller of public accounts and treasurer of the State; and he is hereby authorized to appoint a competent person, at not exceeding four dollars per day, to examine the books and accounts of said officers, for any period he (the Governor) may designate, who shall report the result to him.

Powers of Gov. over the offices.

Sec. 14. *And be it further enacted*, That the comptroller's and treasurer's offices shall be examined, during the first month of each biennial session of the General Assembly, by a committee of three members on the part of each house, to be appointed by the presiding officers thereof, by the second week of the session, whose duty it shall be, jointly, to examine the accounts and vouchers of said offices, relating to all moneys received into, and paid out of, the treasury, during the two years ending on the first day of November preceding such examination; and shall certify and report to their respective houses the amount of moneys received into the treasury during such two years; the amount of moneys paid out of it during the same period, by virtue of warrants drawn on the treasury by the comptroller; the amount of moneys received by the treasurer, who shall be in office at the time of such examination, when he entered on the execution of the duties thereof; and the balance in the treasury on the first day of November preceding such examination; and generally to inspect the books and accounts required to be kept by the treasurer and comptroller of public accounts, and report thereon.

Offices to be examined biennially by joint com. of the legislature.

Duty of com.

Sec. 15. *And be it further enacted*, That such committee shall also compare the warrants drawn by the comptroller on the treasury, during the two years ending on the said first day of November preceding, with the several laws under which the same shall purport to have been drawn, and shall, in like manner, certify and report whether the comptroller had power to draw such warrants; and if any shall be found, which, in their opinion, he had no power to draw, they shall specify the same in their report, with their reasons for such opinion; and shall count and report the amount of money in the treasury.

Further duties of the committee.

Sec. 16. *Be it further enacted*, That the comptroller of public accounts be required to procure a seal of office, as

Empt. shall procure seal of office and letter press.

now required by law, and the same to use on all public instruments necessary to be used in courts of justice, or sent beyond the limits of the State; also to procure a letter press and take copies of all letters by him written on official business.

Approved, March 3, 1848.

[No. 55.]

AN ACT

To prevent the destruction of Oysters in the waters of this State.

Catching Oysters unlawfully, detained.

Penalty.

Duty of sheriff upon information.

Shall seize boat or vessel employed by Oysterman.

Authority and duty of justices of the peace.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be unlawful to take or catch oysters, in any of the waters of this State, in a scoop, rake, drag or dredge, or any other instrument than the oyster tongs, heretofore in general use; and all persons whatever, are hereby forbid the use of such instruments, in taking or catching oysters, in the waters of this State, on pain of forfeiting to the State, the boat or vessel employed for the purpose, together with her papers, furniture, tackle and apparel, and all things on board the same.

Sec. 2. *And be it further enacted,* That the sheriffs of the counties bordering on the said waters, are hereby charged with the execution of this law; and if any of the said sheriffs shall be, at any time hereafter, credibly informed of the violation of the same, or if upon his own view, it shall appear to him, that any person or persons are, or have been, engaged in using a scoop, rake, drag or dredge, or other instrument, except what is hereby allowed in taking or catching oysters in the waters of this State, it shall be his duty to seize and take into his possession, the boat or vessel, thus unlawfully employed, together with her papers, furniture, tackle and apparel, and all things on board the same, and to arrest and take into his custody, all the boatmen belonging to said boat or vessel, and carry them before a justice of the peace in his county, representing to the justice the breach of law committed, and naming to him the witnesses to support the charge; and the said justice shall be, and he is hereby authorized, to take cognizance of the offence, then charged, and shall docket the case in the name of the State against the boatmen in custody of the sheriff, and shall immediately summon before him the witnesses named by the sheriff, and all witnesses that may be named to him by the boatmen, and shall examine

said witnesses on oath, with the said sheriff, if necessary, and enquire fully into the alledged offence, and the finding of a scoop, rake, or any other instrument, hereby prohibited, on board such boat or vessel, shall be deemed *prima facie* evidence of guilt; and after a full investigation of the case, if the justice shall think the charge groundless, he shall immediately discharge said boatmen and restore to them the vessel seized by the sheriff, and all things belonging to her; but if he shall be of opinion that oysters have been taken and caught, in contravention to this act, he shall impose a fine, not exceeding ten dollars, on each of the boatmen engaged therein, and shall commit them to the jail of the county, in the event of not paying the fines thus imposed; and the said justice shall adjudge and condemn, as forfeited, the boat or vessel in possession of the sheriff, together with her papers, furniture, tackle and apparel, and all things on board of her, at the time of her seizure, and pronounce the same to be the property of the State.

Sec. 3. *And be it further enacted*, That if the boatmen of the condemned boat or vessel, or any of them, shall think him or themselves aggrieved by such condemnation, he or them shall be at liberty to appeal from the judgment of the justice, at any time within ten days from the rendition thereof, to the next Circuit Court of the County wherein said offence may have been committed, or if said offence be committed in the County of Mobile, then to the next Criminal Court for said County, to be tried by a jury, as in other cases, which said Court and jury shall have power to hear and determine upon the allegations and proofs in the case, and to affirm or reverse the justice's judgment of condemnation, as to them may seem right; and in case of affirmance, to adjudge to the State the costs incurred in defending said appeal, which costs shall be the same as in other cases; and it is hereby made the duty of the Solicitor of the Circuit, wherein each case may be tried, to prosecute said offenders, for which, if the State be successful, he shall receive the sum of ten dollars, to be taxed in the bill of cost, and collected out of the appellant by execution.

Party aggrieved may appeal.

Duty of Solicitor

Sec. 4. *And be it further enacted*, That the proceedings on the judgment of the justice of the peace, shall not be stayed, unless the appellant or appellants, within ten days after the rendition of the judgment, shall enter into an appeal bond, payable to the Governor of the State, and his successors in office, with two sufficient securities, to be approved of by the said justice, in a penal sum of double the amount in value of the boat or vessel and property seized, to be estimated by the said justice, conditioned

Proceedings before justices stayed only by bond given in ten days from judgment.

to prosecute with effect, his or their appeal, to the next Circuit Court of the County where the proceedings before the justice shall have been had, or if said proceedings shall have been had before a justice in Mobile county, then before the next Criminal Court of the County of Mobile; and it shall be the duty of the justice taking the said appeal bond, immediately to lodge the same with the Clerk of the Circuit Court of his County, that suit or suits may be brought by the Attorney General, or any of the Solicitors of the State, in case of a forfeiture of the same, for the use of the State; which suit or suits may be prosecuted on a certified copy thereof, under the hand and seal of said Clerk, in the Circuit Court of any County of the State, wherein any of the obligees to said bond may reside.

If no appeal is taken from judgment of justice, sheriff shall sell boat, tackle, &c. and account to county treasurer.

Sec. 5. *And be it further enacted*, That if within ten days from the rendition of said judgment, no appeal bond is accepted by the justice of the peace, to arrest further proceedings on the said judgment, it shall be the duty of the sheriff, after having given such notice as he is now required by law of sheriff's sales, to sell to the highest bidder for cash, the boat or vessel in his possession, together with the papers, furniture, tackle and apparel; and he is hereby required to account with the treasurer of his county for the proceeds of such sale, in the same manner he accounts for fines and forfeitures, and under the same responsibility, stating an account, on oath, with the said treasurer, of all expenses necessarily incurred by him in the seizure, disposition and sale of the said property, and paying the balance that remains to the said treasurer, upon which balance, the treasurer is authorized to allow him a compensation of ten *per centum*, for his trouble in conducting the said business; and the remaining balance the treasurer is hereby required to hold in the same manner, and for the same purposes, he now holds the monies arising from fines and forfeitures.

Compensation to sheriff.

If resistance is apprehended sheriff may summon posse comitatus.

Sec. 6. *And be it further enacted* That if resistance be apprehended by the sheriff engaged in the execution of this law, he shall summon to his aid the posse comitatus of his County, armed and equipped as the occasion may require, and shall press into service, any steamboat not actually engaged in carrying the public mail, or other vessel whatever, at the risk and expense of the State, and proceed therewith without delay, to perform his duty, and if resistance be made to the sheriff, by the boatmen of the boat or vessel, or by any other person, such resistance shall be punishable as is now provided by law for resisting process.

Approved, Feb. 4, 1848.

[No. 56.]

AN ACT

To alter and amend the several acts prescribing the duties of the Clerk of the Supreme Court, to regulate the fees of said officer, and for other purposes mentioned therein.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the Clerk of the Supreme Court shall keep his office at the seat of government. Clerk to keep his office at seat of Gov.

Sec. 2. *Be it further enacted,* That, from and after the present term of the Supreme Court, it shall not be required of the Clerk of the said Court to enter or make up complete records of the transcripts of proceedings in the Court below; nor shall said Clerk make any charge for transcribing the same into books, or for making such complete record in any case; but in lieu thereof he shall tax in the bill of cost in each case the sum of six dollars, and when there would be more than six thousand words in the final record, he shall tax at the rate of ten cents for every hundred words over and above said sum of six dollars, under the name of State tax, which tax shall by the Clerk be entered as the first item of cost, and collected in the same manner as other costs are by the existing laws; and every sheriff or other officer receiving such state tax shall account for and pay over to the said Clerk of said Court the same with other costs; and all remedies which are now provided by law for coercing the collection and payment of costs in cases, where judgment is rendered in the Supreme Court, shall be of full force and effect, and apply to the collection of the State tax under the provisions of this act; and in no case shall any part of the cost be received or receipted for by any officer or other person until said State tax is fully paid, which shall in every case be first paid and first to be accounted for by the person receiving it. Final record dispensed with.

State tax on suits
How collected.

Sec. 3. *And be it further enacted,* That it shall be the duty of the Clerk of said Court within ten days after each regular term of said Court to pay over to the treasurer of this State all monies so received on account of said State tax; and on his failing so to do, or when he has been negligent in his duty in attempting to have said State tax collected, he and his securities shall be liable on his bond to a judgment, on motion, before the Circuit court of the county wherein said Supreme Court is held for the amount said Clerk has collected and fails to pay over, or which was not collected by reason of any neglect on the part of said Clerk. Tax to be paid into State Treas'y

Penalty of clerk for neglect of duty

Sec. 4. *And be it further enacted,* That it shall be the

Duty of At. Gen. duty of the Attorney General to institute and prosecute such motion in the name of the obligee of the bond of said Clerk, whenever the Treasurer shall make known to him that any default has occurred by said Clerk, and it is hereby made the duty of the Treasurer to examine the Clerk's books twice in each year, and report all defaults to the Attorney General, and the Attorney General shall be allowed a fee of twenty dollars in every motion when there is a recovery had against said Clerk and his securities, which shall be taxed in the bill of cost against said Clerk and his securities; and no other fee or compensation shall be allowed the Attorney General for such rule or motion; and the said Attorney General shall cause said Clerk to be served with notice and the ground of his motion five days before the hearing thereof.

Duty of State Treasurer.

At. Gen's. fee.

Tax shall be paid into Treasury.

Sec. 5. *And be it further enacted*, That all money collected by any person as State tax under or by virtue of the provisions of this act shall be paid into the State Treasury.

Duty of Judges.

Sec. 6. *And be it further enacted*, That it shall be the duty of said Supreme Court to direct the records brought up to said Court to be made up in such a form that they can be bound and lettered and that the record so bound up shall be deemed and taken as the final record.

Records shall be bound up.

Sec. 7. *Be it further enacted*, That it shall be the duty of the Clerk of said Supreme Court at the end of each term of said Court to have the record of all the cases decided at such term, bound up in strong binding and lettered so as to indicate the term at which the decisions were made.

Sec. 8. *And be it further enacted*, That all laws or parts of laws contravening the provisions of this act are hereby repealed.

Approved, Feb. 25, 1848.

[No. 57.]

AN ACT

In relation to lost or mutilated Bank notes.

When payment for lost or mutilated notes is to be made & how.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Commissioner of the Bank of the State of Alabama and its branches is hereby authorized and required on the presentation and delivery at the bank, where the original bill was payable, of the detached one half of any bill of any denomination whatever issued by the Bank of the State of Alabama or any of its branches, to pay out of any funds of the State in his hands, one half the amount of the or-

iginal bill, of which the half so presented is a moiety: *Pro-* Proviso.
vided, that the person so offering said half bill shall Applicant shall
 make affidavit in writing that the half so presented is bona make affidavit &
 fide his or her property, and that the other half of said give bond.
 bill is lost; and will give bond and good security payable
 to the governor of the State of Alabama and his successors
 in office in double the amount of the money so to be paid,
 conditioned to pay to the said State all damages and costs
 that may be incurred by such payment.

Approved, March 6, 1848.

[No. 58.]

AN ACT.

To provide for the appointment of Penitentiary Physi-
 cian, and comfort of the prisoners.

Section 1. *Be it enacted by the Senate and House of Repre-*
sentatives of the State of Alabama, in General Assembly convened,
 That the Lessee of the Penitentiary may at any time here- Lessee may ap-
 after appoint the physician for the Penitentiary, and shall point & remove.
 have the authority to remove any Physician from said office.

Sec. 2. *Be it further enacted,* That it shall be the du- Duty of Inspect-
 ty of the Inspectors of the Penitentiary as often as once in tors.
 each week to visit the hospital, cells, and other apartments
 of the Penitentiary; to examine the food and clothing fur-
 nished the prisoners; and report to the Governor, all de-
 linquencies which they discover on the part of the Lessee,
 in providing for the comfort of the prisoners.

Sec. 3. *Be it further enacted,* That the Governor may Power of Gov.
 at any time remove from office any Penitentiary Physician,
 upon good and sufficient cause, to be determined by him-
 self, on the complaint of the Inspectors.

Sec. 4. *Be it further enacted,* That all laws or parts
 of laws contravening the provisions of this act be, and the
 same are hereby repealed.

Approved, March 6, 1848.

[No. 59.]

AN ACT

To prevent the storage of gun-powder in larger quantities than
 one hundred pounds, within the city of Mobile.

Section 1. *Be it enacted by the Senate and House of Represen-*
tatives of the State of Alabama, in General Assembly convened,
 That from and after the first day of April next, it shall not be

Not to be stored
within 3 miles of
Mobile river or
Bay.

lawful for the Corporation of the city of Mobile, or any person or persons, to receive or keep, or have on storage in any building of any kind, within three miles of the Mobile river, or Bay, any gun-powder or gun-cotton, or any explosive material, in larger quantities than one hundred pounds, unless the same be kept on one of the islands in the Mobile river or bay, in the neighborhood of the city of Mobile, but then the same shall not be kept at any point within the distance of one mile of the eastern bank of said river.

Building for stor-
age shall be fire
proof and guard-
ed with lightning
rods.

Sec. 2. *Be it further enacted*, That the building in which such gun-powder, gun-cotton, or explosive materials in quantities exceeding one hundred pounds, is or are kept, shall be in every respect a fire-proof building and properly provided with lightning rods or conductors, and that a breach of the provisions of this act, shall be punished by a fine of one hundred dollars, for each and every day that such breach is committed, or allowed to exist—to be recovered by indictment before the Criminal Court of Mobile County.

Sec. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, March 6th, 1848.

[No. 60.]

AN ACT

To provide a summary remedy against Clerks of the Orphan's Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, in all cases where money shall be paid to any Clerk of the Orphan's Court, the party entitled to receive it, shall have the same remedy for its recovery, and the same damages for its detention, as now provided by law against Clerks of the Circuit Court, whether the same shall have been paid to said Clerks on judgment, order, decree, execution, or otherwise, in their official capacities as such Clerks: *Provided*, that if the Clerk shall, by proof, show a good excuse for not paying over the money on demand, the Court may relieve him from damages.

Approved, March 1st, 1848.

Liability of clerk
of Orphan's court
the same as clerk
of cir. court for
detaining money.

[No. 61.]

AN ACT

Requiring the Secretary of State to furnish one copy of the Reports of the Decisions of the Supreme Court of this State, to the Judge of the Criminal Court for Mobile County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That of the eighty-five copies of the Reports of the Decisions of the Supreme Court of this State, deposited with the Secretary of State, for the purpose of distribution amongst the different officers of the State, the said Secretary be, and he is hereby required to furnish one copy of said Reports to the Judge of the Criminal Court for Mobile County, in the same manner, and upon the same conditions, that they are furnished to Judges of the Circuit and County Courts.

Approved, March 3d, 1848.

[No. 62.]

AN ACT

To authorize the appropriation of a certain sum of money for the payment of the members and officers of the present General Assembly.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the sum of fifty thousand dollars is hereby appropriated, for the payment of the members and officers of the present General Assembly. \$50,000 appropriated.

Approved, February 3d, 1848.

[No. 63.]

AN ACT

To amend the sixteenth section law of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the Governor of this State, to make, or cause to be made, a patent to any part of the sixteenth section on which payment in full has been made in Bank, or to any agent of the Bank legally authorized to receive payment, or to any person authorized to receive the same, or to the Commissioners of the townships, or on a recision of the contracts or part of contracts, for sixteenth sections, by the voters of the township. Patents for 16th sec. land, may issue in certain cases.

Approved, February 18, 1848.

[No. 64.]

AN ACT

To retrench the expenses of the State Government in certain cases, as therein specified.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, it shall not be lawful for any money to be paid out of the State Treasury, or Contingent Fund, for servant hire, contracted for by the Governor, Secretary of State, Comptroller of Public Accounts or State Treasurer, any law or usage to the contrary, notwithstanding.

Approved Feb. 25, 1848.

[No. 65.]

AN ACT

To authorize the sale of personal property belonging to estates, for cash.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the Judges of the Orphan's Courts, may grant an order to sell the personal property of any testator or intestate, for cash; but such order shall only be granted on proof by the applicant, that a sale for cash is necessary to promote the interest of the estate.

Approved, March 2d, 1848.

Upon what evidence order of sale shall be granted.

[No. 66.]

AN ACT

To provide for taking depositions in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in all cases now pending, or that may be hereafter commenced, in any Court in this State, whenever affidavit shall be made, that the testimony of any person is material on the trial of any case; and that such person is employed on a Steamboat, or other watercraft, navigating the waters of this State, it shall and may be lawful for the person requiring such testimony, to take the deposition of all persons so employed, in the same manner now provided by law for taking the deposition of witnesses in other cases: *Provided*, however, that this act shall not be construed to prevent any person from taking forfeitures against, or compelling the attendance of, all persons so employed, in all cases where their deposition shall not have been taken: *And provided further*, that this act shall not apply to cases of collision

Deposition of persons employed on steamboats may be taken.

Provide.

Provide.

between steamboats or other water craft, or to cases of injuries done to property on board of steam boats or other water craft.

Sec. 2. *And be it further enacted*, That hereafter it shall and Compensation of
may be lawful for any person who may be examined as a witness witnessess may
before any Commissioner, to demand and receive the sum of one be demanded.
dollar and fifty cents from the person at whose instance he or she
may have been called upon to testify, for each and every day
such examination may continue; which amount shall be taxed in
the bill of costs, to be paid by the person cast in the suit.

Approved January 5, 1848.

[No. 67.]

AN ACT

To change the time of holding the winter term of the Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That an act entitled "an act to change the time of holding the winter term of the Supreme Court," approved 4th February, 1846, be, and the same is hereby repealed.

Approved, March 3, 1848.

[No. 68.]

AN ACT

To regulate the manner of ascertaining a quorum of the Trustees of the University of Alabama, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter, in ascertaining a quorum of the Board of Trustees of the University of Alabama, the Judges of the Supreme Court, who are absent shall not be taken into account. What absentees not to be taken into the account.

Sec. 2. *And be it further enacted*, That the Treasurer of the Trustees of the University of Alabama be, and is authorized to make a general deposit of any funds of said institution, that may come to his hands as such treasurer, from time to time, in the Bank of the State of Alabama, at Tuscaloosa, during the time said Bank may be in operation or liquidation, and to check the same out, as occasion may require, any law to the contrary notwithstanding. Treasurer of the University may deposit funds in State Bank.

Approved, March 3, 1848.

[No. 69.]

AN ACT

Amendatory of the laws on the subject of Divorce.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That when a cause of divorce exists in favor of any married woman, against her husband, it shall be competent for her to prosecute a suit on the same, in the Chancery District of his residence, or freehold; or in case he has no such residence and freehold, then in the district of the residence and freehold of her next friend: *Provided*, that no suit shall be brought under this act, unless the husband or the wife has been a resident of this State for three years before the filing of the bill: *And provided further*, that in case either party has been a resident of this State for the period aforesaid, it shall be sufficient to vest the Court with jurisdiction, any law or statute to the contrary notwithstanding.

Approved, Feb. 25, 1848.

[No. 70.]

AN ACT

To provide for the appointment of Inspectors and a Physician of the Penitentiary.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Inspectors of the Penitentiary shall hereafter be appointed by the Governor.

Sec. 2. *Be it further enacted,* That the Physician of the Penitentiary shall be appointed by the Lessee, with the advice and consent of the Inspectors, and the Inspectors shall have power to remove any Physician, at all times, for incompetency, or neglect of his duties as such Physician; and when any vacancy occurs in the office of Physician, which is not filled by the Lessee, as herein provided, within three days after the happening of such vacancy, the Inspectors shall, on the fourth day, proceed to fill such vacancy.

Sec. 3. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, are hereby repealed.

Approved, Feb. 3, 1848.

Where suits may be instituted by a woman for divorce.

Proviso.
Residence of 3 years required.

Gov. shall hereafter appoint Inspectors.

How Physician shall be appointed

[No. 71.]

AN ACT

To prevent Commission Merchants and Brokers, from converting, to their own use, funds legally belonging to others.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That if any merchandize or commodity shall be entrusted to any banker, commission merchant, factor, broker, attorney, or agent, with authority to sell the same, and he shall, contrary to good faith, embezzle, or in any manner convert to his own use, such merchandize or commodity, or the proceeds of the same, or any part thereof, except such fees or commissions as may be due to him for his services in selling such merchandize or commodity, every such offender, on conviction, shall be punished by imprisonment in the penitentiary, not less than two, nor more than twenty years. Penalty for embezzling money.

Sec. 2. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act be, and the same are hereby repealed.

Approved, Feb. 25, 1848.

[No. 72.]

AN ACT

To repeal in part, and alter and amend an act therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That the first section of an act entitled "An act to regulate admiralty proceedings against Steam Boats and other water crafts, navigating the inland waters of the State of Alabama," approved January 27th. 1845, be, and the same is hereby, repealed. Repeals 1st sec. of act of 1845.

Sec. 2. *And be it further enacted,* That hereafter, all proceedings in admiralty in this State, shall be regulated by the rules and practice prevailing in the admiralty courts of the United States: *Provided,* however, that a trial by jury shall be allowed, upon the demand of either party. Proceedings in admiralty regulated.
 Provided.

Sec. 3. *And be it further enacted,* That all liens upon steam boats, for furnishing materials, labor or stores, shall cease to exist, unless the same are enforced within six months after such materials, labor or stores shall have been furnished. Limitation of liens on steam boats.

Liens denied to
Capt. & 1st clerk
of boats.

Sec. 4. *And be it further enacted*, That no Captain or first Clerk of any steam boat, plying the navigable waters of this State, shall have any lien upon such steam boat for wages.

Approved, Feb. 3, 1848.

[No. 73.]

AN ACT

To prevent further loss, and provide for the preservation, of the public arms.

Duty and powers
of Q. M. Gen.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be the duty of the Quarter Master General of this State, and he is hereby required, to take the most effectual means consistent with the interests of the State, to ascertain the condition and situation of the public arms and equipments, which have been distributed through the State; and, for that purpose, shall examine all bonds for arms filed in the State Department, or amongst the public archives; and shall be authorized, by himself or any person appointed for that purpose, to take possession of, and cause to be deposited in some place for safe keeping, any portion of the public arms which may be found in a wasting or neglected condition, or for which there is not a good and sufficient bond.

May authorize the
collection of the
public arms.

Sec. 2. *And be it further enacted*, That the Quarter Master General may authorize any legally organized volunteer company to collect and take possession of any arms which it would be his duty to take in possession under the provisions of the first section of this act, and such rules and regulations as the Quarter Master General may prescribe: *Provided*, in all cases, such companies shall be required to give a good and sufficient bond.

Discretionary
powers in keep-
ing public arms.

Sec. 3. *And be it further enacted*, That the Quarter Master General may, with the approval of the Governor, cause any arms, or other military equipments, which may be found collected, or taken possession of, under the provisions of this act, to be deposited in some designated place for safe keeping, or taken to the arsenal at Tuscaloosa, as may seem most conducive to the public interest.

Brig. Gen. re-
quired to make
report upon the
quantity & state
of arms within
his command.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Brigadier General, or officer performing the duties of such, in each brigade in this State, to cause a descriptive statement of all or any public arms and accoutrements which may be found in any regiment within his

command to be made out, and forwarded to the Quarter Master General, at Tuscaloosa, by the first day of August next; which statement shall be certified to be correct, to the best of his knowledge and belief; and any Brigadier General failing to perform the duties herein required, shall be fined not less than two hundred dollars; and the said Brigadier Generals shall be, and they are hereby authorized to issue all orders necessary for carrying into effect the provisions of this act; and any officer failing, refusing or neglecting to perform the duties so required of him, shall be arrested and tried by a court martial, to consist of not less than five commissioned officers; and, on proof of such failure, refusal or neglect, shall be fined one hundred dollars, and dismissed from office. The Brigadier General shall order and designate such court martial, and appoint the time and place of its meeting.

Sec. 5. *And be it further enacted*, That all arms, accoutrements, and military equipments, hereafter received from the Government of the United States, shall be deposited in the arsenal, kept and preserved in the boxes in which they are received, and no further distribution of arms, accoutrements, or military equipments of any description, shall be made, authorized or ordered from such as are now, or may hereafter be, deposited in the arsenal, except in cases of insurrection, rebellion, invasion or imminent danger, in which cases the Governor of the State shall have power to order such distribution as the public safety may require.

Arms and accoutrements hereafter received to be kept.

Sec. 6. *And be it further enacted*, That the Governor of this State shall, so soon as convenient after the adjournment of the present General Assembly, cause the several Brigadier Generals in this State to be notified, through the Quarter Master General, of their duties under the provisions of this act, and shall cause such of them as fail, refuse, or neglect to perform the duties herein required, to be arrested and tried according to law.

Brig. Genls. to be notified.

Neglecting duty to be arrested.

Sec. 7. *And be it further enacted*, That all laws or parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, Feb. 21, 1848.

[No. 74.]

AN ACT

To amend the laws in relation to Free Negroes brought by vessels into the Bay of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

Master or consignee bringing free persons of color into the bay of Mobile from other States required to enter into bond.

That it shall be lawful for the master or consignee of any vessel coming into the Bay of Mobile, from any other State or foreign port, having on board any free negro or person of color, employed on board of such vessel as cook, steward, mariner, or in any other employment, to file with the Mayor of the City of Mobile a bond, with sufficient sureties, resident in the county of Mobile, in the penal sum of not less than two thousand dollars nor more than five thousand, as the Mayor may prescribe. (with reference to the number of colored persons on board) payable to the Governor of the State of Alabama and his successors in office, the condition of which bond shall be, that such negroes or persons of color, and each and every of them, shall not be permitted to leave such vessel, for any purpose whatsoever, during the stay thereof within the waters of this State, and that such vessel shall, on its departure, carry away, or cause to be carried away, out of this State, all such free negroes, or free persons of color, and every one of them so brought in such vessel: And, further, that such vessel shall not come with said persons within three miles of the City of Mobile, nor within one mile of the shore (except in passing out of the Bay.) and that during the stay of such vessel no communication shall be suffered between such negroes and persons of color with the negroes and persons of color of this State. And the Mayor of said city shall receive such bond, file it in his office, to be preserved till wanted for suit, and if forfeited, the same shall be handed over to the proper Solicitor for suit. And all suits under this section shall be by motion of the Solicitor of the Circuit, before the Circuit Court, after three days notice to the principal or any of the sureties on said bond. And the said Mayor shall be entitled to receive, for taking such bond, the sum of fifty cents, to be paid by the obligor.

Such free negroes not allowed to leave vessel.

Effect of bond.

Sec. 2. *And be it further enacted, by the authority aforesaid,* That in all cases where such bond shall be given, all the provisions of the laws of this State, authorizing the arrest and imprisonment of such free negroes and persons of color, on warrant of the Mayor, or by the Sheriff or City Marshal, by reason of their coming into this State in such vessels, shall be suspended and inoperative: *Provided,* that no breach of the condition of said bond shall have been committed.

Sec. 3. *And be it further enacted, by the authority aforesaid,* That three days time shall be allowed for the filing of said bond in the Mayor's office, authorized to be given by this act: *Provided,* that at the time when the list of persons on the vessel is given to the Mayor, as now required by law, notice shall be given to the Mayor of the intention of the master or consignee to give such bond: *And provided further,* that a full compliance be, in the meantime, observed of the terms of the condition of said bond.

Three days allowed for giving bond.

Proviso.

Sec. 4. *And be it further enacted, by the authority aforesaid,* That in case of dangerous or serious sickness of any of the free negroes, or persons of color aforesaid, so that it may become necessary, or proper, that such person be conveyed to the Hospital of the United States, such privilege shall be allowed as provided by the laws of the United States; and so soon as discharged from the Hospital, such person shall be sent back to his vessel immediately, and the master or consignee of such vessel shall provide that the same be done, and on the failure or neglect so to provide, shall be proceeded against on the bond, as prescribed in the first section, and all the privileges of this act shall be inoperative as to such vessel.

In case dangerous sickness free negroes may be removed to U. S. Hospital.

Approved, March 6, 1848.

[No. 75.]

AN ACT.

To provide for the leasing or renting the Salt reserve lands and to preserve the timber thereon.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Agent appointed by the Governor of this State to take charge of the lands known as the Salt reserve lands, lying on the Tombeckbee River in the county of Clarke, be, and he is hereby, authorized and required to lease or rent any part or all of said lands for a given time, not to exceed three years; on such terms and for such price, as he may think the best interests of the State may require.

Agent shall take charge of lands, and lease the same.

Sec. 2. *And be it further enacted,* That should there be any person or persons residing on or occupying any of the said Salt reserve lands, who will not comply with the provisions of this act, by entering into an agreement with said Agent to lease or rent the lands so occupied by him or them, the said agent is hereby required to give notice to any or all such persons, that they must within twenty days after such notice, remove from and cease to occupy any of

On refusal of occupant to lease, shall be removed on notice.

the said lands, and should any person or persons so notified fail or refuse to remove or cease to occupy the same, the said Agent is hereby authorized and empowered to proceed against him or them by bringing suit in behalf of the State of Alabama in any court having jurisdiction thereof, according to the laws now in force in such cases.

Cutting or carrying away timber to be punished by fine and imprisonment.

Sec. 3. *And be it further enacted*, That if any person or persons, shall unlawfully enter upon and cut down, carry away, or destroy any tree or trees or any other timber on any of the Salt reserve lands, every such person or persons being lawfully convicted thereof before a Justice of the Peace, shall forfeit and pay the sum of ten dollars for every tree so cut down, carried away, or destroyed, and moreover shall be committed to the Jail of the county in which such offence shall have been committed, there to remain until he or they shall pay the fine and costs assessed against him or them, unless such person or persons so convicted, shall execute to the said justice a bond with good security payable to the State of Alabama for the amount assessed as aforesaid within twenty days thereafter, which bond shall have the effect of a judgment and should the same be not punctually paid it shall be the duty of such justice to issue an execution against such obligor or obligors and their securities jointly, and all money, received by said justice or his successor or successors in office as the case may be, shall be paid into the Treasury of the State of Alabama.

But party may give bond.

Penalty for 2d offence.

Sec. 4. *And be it further enacted*, That if any person or persons, who may have been convicted once under the provisions of this act, shall commit an offence of the same kind a second time, he or they shall be liable to indictment, and on conviction thereof to be sentenced to the penitentiary or state prison, for a term not less than one year nor more than three, any laws to the contrary notwithstanding.

Agent to sell pans, kettles and fixtures.

Sec. 5. *And be it further enacted*, That the agent shall sell all the kettles, pans, and fixtures to and belonging to the said salt works, to the highest bidder for cash giving forty days notice thereof in the Southern Recorder and pay the money over to the State Treasury.

Approved, March 6, 1848.

[No. 76.]

AN ACT

To require sheriffs to keep books, and for other purposes

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be the

duty of the Sheriffs of the several counties in this State, to keep a well bound book or books, in which they shall enter the names of the plaintiff and defendant to all process, whether mesne or final, which may come to their hands to be executed; the time of the receipt of such process, and the court from which it issued or which it may be returnable and the return made by them thereon; and if the process be a writ of execution, or order of sale, the date of the judgment or decree on which the same was issued. And he shall enter in said book the amount received on such execution, separating the principal from the interest, and affixing the true date of the receipt.

How books shall be kept.

Sec. 2. *And be it further enacted*, That in the book or books, kept as aforesaid, it shall be the duty of the said sheriffs to enter the several items of costs by them charged for executing such process, or such as may in any way be incidental thereto; and all other costs taxed therein, and if such process be a fieri facias, or order of sale, then the said sheriff shall enter in words and figures at length the fees by them charged as commissions, and the services by them rendered, for which such charge or charges may be made.

Shall enter items of charges made by them.

Sec. 3. *And be it further enacted*, That it shall, moreover, be the duty of said sheriffs, to keep a book or books, in which they shall enter each and every article of property sold by them, under execution or order of sale; the process under which the same was sold, when the same was sold; by whom purchased, and at what price.

Property sold to be entered in a book.

Sec. 4. *And be it further enacted*, That the said books, and each and every of them, shall, at all times, be open to the inspection of the public while in the possession of said sheriffs, and the same shall, by said sheriffs, within sixty days after the expiration of their term of service, be filed in the office of the clerks of the Circuit courts of their respective counties, whose duty it is hereby made to receive and keep the same in their respective offices; and copies of the entries in said books, duly certified by said clerks, shall be received as prima facie evidence of such entries, in the courts, of this State, in favor of either party, to the process therein set forth.

Books to be kept open to inspection and delivered to circuit clerk.

Sec. 5. *And be it further enacted*, That if any sheriff shall fail or refuse to enter in said book or books, each and every item of costs by him received, by virtue of any process, within ten days after the receipt thereof, he shall forfeit and pay double the amount of costs due said sheriff in such case, to be recovered, by motion to the court, to which such process may be returnable, at the suit of either party to such process; such party giving one day's notice of such motion; and if any sheriff shall fail or refuse to comply with

Copies may be given.

Penalty on sheriff for failure.

any or either of the other provisions of this act, he shall forfeit and pay the sum of ten dollars, for each and every day he shall so fail or refuse, to be recovered by action of debt, in the name of any person suing therefor, before any justice of the peace in the county in which such sheriff may reside.

Approved, February 25, 1848.

[No. 77.]

AN ACT

To establish the boundary line between the States of Alabama and Florida.

Preamble. WHEREAS, by virtue of Joint Resolutions of the last General Assembly of the State of Alabama, entitled "Joint Resolutions for the appointment of a Commissioner to act on the part of Alabama, in the settlement of the line between the States of Alabama, Florida and Georgia," approved 26th of January, 1846, the Governor of the State of Alabama did appoint James M. Calhoun, Commissioner on the part of said State for the purpose aforesaid: And
Commissioners. whereas, the Governor of the State of Florida, by authority of the General Assembly of that State, did appoint James T. Archer, a citizen of said State, to be the Commissioner on the part of the State of Florida, for the purpose of settling and fixing the boundary line between the said State of Florida and the said State of Alabama: And whereas, the said James M. Calhoun and the said James T. Archer, Commissioners as aforesaid, by virtue of the power and authority in them vested, have met, as appears by a report signed in duplicate, and submitted by them to the present session of the General Assembly, and caused observations to be taken to ascertain the correct line of boundary between the States aforesaid, which should correspond with the thirty first parallel of north latitude, and have agreed and concluded as follows, viz:

Report of Coms. "That the line commencing on the Chattahoochee river, near a place known as 'Irwin's Mills,' and running west to the Perdido, marked throughout by blazes on the trees, and also by mounds of earth, thrown up on the line, at distances of one mile, more or less, from each other, and commonly known as the "*Mound Line*" or "*Ellicott's Line*," and by these names distinguished from another line above, running irregularly, at different distances, (none exceeding one and a half miles) from the "*Mound line*" and marked by blazes only, and known as the "*upper line*" or "*Coffee's line*," shall be deemed and taken by the States of Alabama and Florida respectively, and by the authorities of each, as

the line on the thirty-first parallel of north latitude, and as the fixed and permanent line of boundary between the States aforesaid. And further agreed that the said convention shall be submitted for ratification, without delay, by each of said Commissioners, to the authorities of the State which he represents, and when ratified by the States respectively, shall be forever binding and obligatory upon them." Now, therefore.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the agreement aforesaid between the Commissioners aforesaid, be, and the same is hereby, ratified and in all things confirmed, and that the line of boundary between the said States of Alabama and Florida so established as aforesaid, by said commissioners, shall be forever deemed and taken by the State of Alabama as the line on the thirty-first parallel of north latitude, and as the fixed and permanent line of boundary between the States last aforesaid.

Report ratified.

Approved, Feb. 21, 1848.

[No. 78.]

AN ACT

To amend an act entitled an act, to be entitled an act, more effectually to provide for discoveries in suits at common law, approved, December 23, 1837.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in any suit pending in any Circuit Court of this State, any judge of the Circuit Court, or if in a County Court, then the judge of such Court, shall, in vacation, allow interrogatories, filed by either party, plaintiff or defendant, in such action, for the purpose of obtaining a discovery from the adverse party, and shall make an order requiring the adverse party to answer the same, in the same manner, under the same penalties, within the same time, and subject to the same rules and regulations, as the Circuit and County Courts of this State are now authorized to allow, and require the same to be answered, by "an act entitled an act to be entitled an act more effectually to provide for discoveries in suits at common law," approved, December 23, 1837.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act be, and the same is hereby repealed.

Approved, January 5, 1848.

[No. 79.]

AN ACT

To authorize the Chancellors and Judges of the Circuit Courts to change Trustees in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That if any Trustee appointed in any deed of trust executed for the purpose of securing the payment of any debt due to the Bank of the State of Alabama or any of its Branches, shall fail or refuse to execute any such deed, according to law, upon application so to do by any of said Banks, it shall and may be lawful for any Chancellor or Judge of the Circuit Court, in vacation or term time, to remove such Trustee, and appoint some suitable person in his stead, upon giving to such trustee and the grantor in any deed of trust, at least one day's notice of the application to remove any such trustee, if such grantor be a resident citizen of the State; but if such grantor be a non resident citizen as aforesaid—oath being thereof made by any officer, agent or attorney of such Bank—such application may be heard and determined without notice to the grantor in such deed.

Approved, Feb. 18, 1848.

[No. 80.]

AN ACT,

The more effectually to secure the collection of rents in the city of Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That whenever any landlord, his agent or attorney shall make complaint on oath, to any justice of the peace in the city of Montgomery that any person or persons, is or are indebted to him, for rent of any tenement within the corporate limits of said city, and shall enter into bond and security in four times the amount of the rent alledged to be due, conditioned to pay the said defendant all costs and damages he may recover for the wrongful or vexatious suing out the warrant hereinafter mentioned, it shall be lawful for the said justice of the peace to issue his warrant returnable before him, not less than four, nor more than ten days from the time the warrant shall be issued, directed to any constable of said city, requiring him to seize, and to take into his possession any goods and chattels belonging to the defendant, which may be found in the tenement for which the rent shall be due; and the constable

If Trustee in trust deed to bank fail or refuse to act court may appoint

Notice to be given

Proceedings upon oath of landlord:

Warrant issued directed to constable.

shall keep the goods and chattels so seized, to answer the judgment which may be rendered by the justice of the peace in the cause, unless the debt shall be sooner paid with all costs; and the justice of the peace, on the return of said warrant, shall proceed and render judgment according to the merits of the case.

Sec. 2. *And be it further enacted*, That whenever the sum sworn to be due shall exceed the sum of fifty dollars, - it shall be the duty of the justice of the peace to direct the same to the sheriff of the county of Montgomery, and make the same returnable before the County or Circuit Court of the said County, which Court shall proceed at the return term of said warrant, to render judgment in the said cause; and it shall be the duty of the said sheriff of the said county, to proceed in the manner directed by the first section of this act.

Where sum sworn to is \$50 or upwards, warrant to sheriff.

Sec. 3. *And be it further enacted*, That the said defendant to the said warrant may replevy the property seized: *Provided*, he enter into bond and security, payable to the plaintiff in double the amount of the sum sworn to be due; conditioned to pay the judgment which shall be rendered against him, or surrender the said property to the proper officer, and the said bond shall have the force and effect of a judgment, and execution may issue thereon, if the property so replevied shall not be delivered to the proper officer, within fifteen days after the rendition of judgment.

Defendant may replevy upon giving bond.

Sec. 4. *And be it further enacted*, That if any person shall wrongfully or vexatiously sue out such warrant, he shall be liable to pay the defendant therein, treble damages, to be recovered by action on the case before any Court having competent jurisdiction.

Penalty for wrong fully suing out warrant.

Approved, March 2d, 1848.

[No. 81.]

AN ACT

To liquidate and settle the mutual debts existing between the University and the State of Alabama, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the sum of two hundred and fifty thousand dollars be, and the same is hereby recognized and declared to be the amount of the *University Fund*; for the permanent security of which, and the punctual payment of the interest thereon forever, at the rate of six per cent. per annum, the faith and credit of the State of Alabama are hereby solemnly pledged.

University Fund declared to be \$250,000.

Sec. 2. *Be it further enacted*, That all the notes now held by the State of Alabama, against the Trustees of the University of Alabama, be, and the same are hereby, authorized and required to be cancelled and delivered up to said Trustees; which notes, when received by said Trustees, shall be considered and taken in full payment and satisfaction of all claims which said Trus-

Notes of University trustees to be cancelled.

Trustees to file
written assent in
Sec. of State's
office.

tees may have, or pretend to have, against the State of Alabama, for interest, damages, or losses sustained, of every kind or description whatever, up to the date of this act; and said Trustees shall, thereupon, file in the office of the Secretary of State a written relinquishment, on their part, on all said claims against the State.

State Treas. to
pay interest that
has accrued.

Sec. 3. *Be it further enacted*, That the Treasurer of the State be, and he is hereby authorized and required to pay over, semi-annually, to any authorized agent of the said Trustees, the interest which may have accrued during the preceding six months, on the two hundred and fifty thousand dollars, herein declared to be the *University Fund*.

Trustees may ap-
point a treasurer.

Sec. 4. *Be it further enacted*, That the Trustees of the University of Alabama be, and they are hereby authorized to appoint a Treasurer, or other fiscal agent, who shall receive such compensation, and give bond, from time to time, payable to said Trustees in such penal sum as such Trustees may prescribe; and said Treasurer or other fiscal agent, shall do and perform all the duties heretofore required of the Treasurer of the State; so far as the same relates to the University.

Sec. 5. *And be it further enacted*, That all laws or parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, Feb. 21, 1848.

[No. 82.]

AN ACT

To regulate the presentments of Grand Juries for misdemeanors.

In what cases
Grand Jurors
shall exercise dis-
cretionary powers

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter, in all cases of affrays and simple assaults and batteries, whether the offender or offenders be prosecuted by any individual, or be presented on the knowledge of one or more of the Grand Jurors, the said Grand Jurors shall not be bound to make presentment of, or prefer an indictment against any offender or offenders as aforesaid, unless twelve of the number of any Grand Jury shall be of opinion that the public good requires the prosecution of the offender or offenders.

Judges to give act
in charge to Jus-
tices.

Sec. 2. *Be it further enacted*, That it shall be the duty of the Judges of the Circuit Courts, and of the Criminal Courts of Mobile county, to give this act in charge to the Grand Juries.

Sec. 3. *Be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, Feb. 4, 1848.

[No. 83.]

AN ACT

Regulating Solicitors fees, in Criminal cases, upon scire facias.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That where parties are discharged upon payment of costs, in criminal cases, upon scire facias, in any of the Circuit Courts of this State, there shall be no tax fee allowed the Solicitor: *Provided,* that this act shall only apply to writs of scire facias against defaulting witnesses and jurors.

In what cases
tax fees shall not
be taxed.
Proviso.

Approved, Feb. 25, 1848.

[No. 84.]

AN ACT

To construe a certain act therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the law now in force in this State, declaring that all claims against any county in this State, shall be barred from recovery, both in law and equity, unless such claims are presented for allowance within twelve months after they accrue, shall not be so construed as to bar the owner of any runaway slave, who has been, or may hereafter be sold, and the proceeds of said sale shall have been or may hereafter be paid to any county; but said owner shall have the right, at any time within five years, to demand and recover of such county, the sum so received, upon making proper proof of his ownership of such runaway slave.

Counties liable
for five years for
value of runaway
slaves sold out of
Jail.

Approved, Feb. 8, 1848.

[No. 85.]

AN ACT

Further regulating days of grace on commercial obligations.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in all cases where bills of exchange, notes payable in bank, and other obligations which now are, or may hereafter be subject or entitled to days of grace under the laws and usages of this State, may by reason of the allowance of such days of grace fall due on Christmas day, or on the first day of January, or on the fourth day of July, that such paper shall be considered as falling due on the day previous to those days respectively, unless such previous day be a Sunday, in which case the paper shall be considered due and payable on the Saturday previous, and may be protested if not paid accordingly.

Fall due on
Christmas day,
1st Jan. or 4th
July, considered
due the day pre-
vious.

Approved, January 27, 1848.

[No. 86.]

AN ACT

To authorize administrators and executors to ship cotton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it may lawful for executors and administrators to ship cotton to the city of New Orleans, or any other port in or out of this State, on accounts of estates kept together, of which they are the representatives.

May ship cotton.

Sec. 2. *And be it further enacted,* That all laws or parts of laws contravening with the provisions of this act, are hereby repealed.

Approved, March 1, 1848.

[No. 87.]

AN ACT

To provide fair and impartial trials in cases of contested wills.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in every case of contest as to the validity of any last will and testament, in any Orphan's Court of this State, either party shall have a change of venue on proper showing, as in other cases where a change of venue is now provided for by law.

Change of venue allowed.

Sec. 2. *Be it further enacted,* That whenever a change of venue is allowed under this act, the Clerk of the Orphan's Court in which the change of venue is allowed, shall, under the direction and order of such Orphan's Court, transmit the will which may be contested, and a transcript of all entries relating thereto, by some safe mode of conveyance to the Clerk of the Circuit Court of some adjoining county, which Circuit Court shall be indicated by the order allowing the change of venue.

When allowed duty of clerk.

Cir. court shall cause issues to be tried by a jury.

Sec. 3. *Be it further enacted,* That the Circuit Court to which any will, which has been contested, may be transmitted as herein above provided for, shall at its first term thereafter, (unless good cause for a continuance be shown) proceed to cause the issues as to the validity of such will, to be tried by a jury according to law. And if the party against whom the verdict in such case may be rendered, shall be dissatisfied with such verdict, six months from the rendition of such verdict, and no longer, shall be allowed to such party to sue out a writ of error, returnable to the Supreme Court, for the purpose of having such verdict revised on all points presented by bill of exceptions taken on the trial or otherwise appearing of record. But if no writ of error is prosecuted within six months, then such verdict shall be certified by the Clerk of such Circuit Court, to the Orphan's Court from which the cause was changed, which Orphan's Court shall proceed to have such will executed in the same manner as if the contest

Writ of error may be sued out in 6 months.

If not, verdict to be certified to Orphan's court.

had been tried in such Orphan's Court; and the Clerk of such Circuit Court shall, at the same time he may certify such verdict, as herein before provided for, return such will to such Orphan's Court.

Approved, March 6, 1848.

[No. 88.]

AN ACT

To increase the bonds of the Treasurer of the State and the Comptroller of Public Accounts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter the penalty of the bond to be given by the Treasurer of this State, shall be two hundred and fifty thousand dollars; Treasurer's bond \$250,000. and the penalty of the bond to be given by the Comptroller of Public Accounts, shall be twenty thousand dollars. Comptrol. bond \$20,000.

Sec. 2. *And be it further enacted,* That the Governor of the State, for the time being, may require said Treasurer and Comptroller to give new bonds in lieu of former bonds, whenever in his opinion, a due regard to the interests of the State shall demand it. Gov. may require new bond.

Approved, January 18, 1848.

[No. 89.]

AN ACT

To change the venue of State actions, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all motions or actions required by the existing laws to be instituted by the Attorney General in the courts of Tnskalooosa county, shall hereafter be instituted and brought in the cours in Montgomery county, and such suits as are now pending in such courts in Tuskaloosa county, may on motion of the Attorney General, be transferred to the Circuit Court of Montgomery county. Motions &c. in Tuskaloosa co. in which State is a party, transferred to Montgomery.

Sec. 2. *And be it further enacted,* That the Electors of President and Vice President of the United States who may be chosen by the qualified voters of this State shall hereafter meet for the performance of their duties at the seat of Government of the State wherever that may be. Electors of president & vice president to meet in Montgomery.

Approved, Feb. 29, 1848.

[No. 90.]

AN ACT

To provide for taxing Cost in cases of the trial of the right of property before the justices of the peace.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, jurors summoned to attend before any justice of the peace in this State, in case of the trial of the right of property, shall be entitled to, and receive fifty cents for each day's attendance as aforesaid, which shall be taxed in the bill of costs, as in other cases; *Provided*, that nothing in this act shall be so construed as to apply to the counties of Blount, St. Clair and Cherokee.

Approved, Jan. 29, 1848.

[No. 91.]

AN ACT

To increase the Contingent Fund.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the additional sum of five thousand dollars be, and the same is hereby, appropriated as a contingent fund.

Approved, March 4, 1848.

[No. 92.]

AN ACT

To provide for the selection of certain school lands, in lieu of the sixteenth sections, in the Chickasaw purchase, in Alabama.

WHEREAS, the General Assembly of this State, at its last session passed an act, which was approved 27th January 1846, providing for the selection of lands in lieu of the sixteenth sections in that part of the Chickasaw purchase, lying within this State, according to the provisions of the act of Congress, approved 26th of February 1845; and whereas, said selections have not been made as provided for in said act; and whereas, Congress, by an act ap-

Jurors allowed 50 cents per day.

Proviso.

\$5,000.

Preamble.

proved 3d of March, 1847, so amended the act of 26th February 1845, as to authorize said selections to be made in any of the States or Territories. Now therefore,

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That the Governor of this State be, and he is hereby, authorized and required to appoint some suitable and competent person, as Commissioner, to make the selections aforesaid according to the act of Congress of third of March, 1847; and the said commissioner and the Governor shall do and perform all acts required of them by the act of 27th January 1846; and be governed by said act as fully as if it were a part of this act, so far as their duties are concerned.

Gov. shall appoint com'r to select lands.

Sec. 2. *And be it further enacted,* That said commissioner shall receive, as compensation, three dollars per day, for every day spent in discharge of the duties hereby required of him, to be paid out of any money in the treasury not otherwise appropriated.

Com'r shall receive \$3 per day.

Approved, March 4, 1848.

[No. 93.]

AN ACT

To tax costs in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in all suits in any of the courts of this State where the testimony of any witness shall have been taken by deposition or interrogatories, it shall be the duty of the clerk or register of such court to tax the same at the rate of twenty cents for every hundred words, besides postage, to be inserted in the execution as other items of costs.

Fees for taking depositions, to be taxed at 20 cents per 100 words.

Sec. 2. *And be it further enacted,* That the costs of all transcripts of records from other courts which may be used as testimony in any court in this State, shall also be taxed by clerks and Registers, and inserted in the execution as other items of costs: *Provided,* that such transcript be the foundation of said action or defence.

Transcripts of record shall be taxed in the bill of cost.

Approved, Feb. 25, 1848.

[No. 94.]

AN ACT

To provide for collecting from the General Government money due this State for advances made by this State, through the Governor, in raising troops for the Mexican war.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That the Governor be authorized and required to cause to be made out a statement of all the sums of money advanced or paid by this State for the purpose of raising, equipping, or subsisting volunteers for the service of the United States, in the war with Mexico, and forward such statement, together with all papers and vouchers appertaining thereto, to one of the Senators or Representatives of this State in Congress, to be presented to the proper authorities at Washington City for payment.

Duty of Gov.

May appoint an agent.

Sec. 2. *And be it further enacted,* That if the said claims shall not be paid, and the Governor of this State shall hereafter believe the interest of this State so requires, he shall appoint an agent to collect the claims referred to in the first section of this act, together with all sums hereafter paid for like purposes.

Approved, March 3, 1848.

[No. 95.]

AN ACT

To divorce William Callahan from his wife, Ann G. Burt.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That, in pursuance of the decree of the Court of Chancery for the thirtieth District of the Northern Division of said State, at the April term thereof, in the year 1847, the bonds of matrimony heretofore solemnized and subsisting between William Callahan and Ann G. Burt, be, and the same are hereby dissolved and annulled; and that said William Callahan be divorced from his wife, Ann G. Burt, in pursuance with said decree.

Approved, February 2, 1848.

[No. 96.]

AN ACT

To regulate the time of the sitting of the winter term of the Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter the winter term of the Supreme Court shall commence on the first Monday of January in each year, and that so much of the act approved on the 4th day of February, 1846, entitled "an act to change the time of holding the winter term of the Supreme Court," as conflicts with the provisions of this act, be, and the same is hereby repealed.

Approved, Feb. 25, 1848.

[No. 97.]

AN ACT

Making appropriations for the years one thousand eight hundred and forty eight and nine.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the following sums of money be, and the same are hereby appropriated out of any money in the Treasury not otherwise appropriated, and to be paid to the following persons, in the payment of the claims for the years one thousand eight hundred and forty eight and nine.

To the Governor of the State, the sum of twenty five hundred dollars per annum. Governor.

To the Secretary of State, twelve hundred dollars per annum. Sec. of State.

To the Comptroller of Public Accounts, twelve hundred and fifty dollars per annum. Comptroller.

To the State Treasurer, twelve hundred dollars per annum. Treasurer.

To the Judges of the Supreme Court, each, twenty two hundred and fifty dollars per annum. Judges Sup. Ct.

To the Chancellors, each, fifteen hundred dollars per annum. Chancellors.

To the Judges of the Circuit Courts, each, fifteen hundred dollars per annum. Judges Cir Court.

To the Attorney General, four hundred and twenty-five dollars per annum. Attorney Gen.

To the Solicitor of the first judicial circuit, three hundred and fifty dollars per annum. Solicitor 1st cir.

To the remaining Solicitors, each, two hundred and fifty dollars per annum. Other Solicitors.

To the Quarter Master General, two hundred dollars per annum. Qr. Mas. Gen.

- Sec. to Governor. To the Private Secretary of the Governor, three hundred and fifty dollars per annum.
- Adj. General. To the Adjutant and Inspector General, four dollars per day, for each and every day he shall be engaged in the actual discharge and fulfilment of his duties, not to exceed two hundred dollars per annum.
- Sec. Senate and Clerk House. For the pay of the Principal Secretary of the Senate, and Principal Clerk of the House of Representatives, the sum of seven dollars per day.
- Ast. Sec. & Eng. Clerk. For the pay of the Assistant Secretary of the Senate, and the Assistant and Engrossing Clerk of the House of Representatives, each, the sum of five dollars per day, during the session.
- Doorkeepers. To the Doorkeepers of the Senate and House of Representatives, the sum of five dollars per day, each, during the session.
- Sec. of State. To the Secretary of State for indexing the laws, and copying the Journals of both Houses of the present General Assembly, preparing the whole for the press, and superintending the printing the same, the sum of three hundred dollars.
- Sec. Senate and Clerk House. To the Secretary of the Senate, and Principal Clerk of the House of Representatives, the sum of one hundred and fifty dollars, each for bringing up and completing the Journals of both Houses of the General Assembly, arranging and filing away the papers and placing their departments in complete order for the next session of the General Assembly.
- Contingent fund. Sec. 2. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby appropriated and set apart to defray the contingent expenses of the State Government.
- Stationery. Sec. 3. *Be it further enacted*, That the sum of twelve hundred dollars be and the same is hereby appropriated, for the purchase of stationery, as required by the Joint Resolution of January 15, 1831; and that the Comptroller of Public Accounts draw his warrant in favor of the Secretary of State, for that purpose.
- Distribution of Laws & Journals. Sec. 4. *Be it further enacted*, That the sum necessary for the distribution of the Laws and Journals of this General Assembly, and the Laws of Congress, be, and the same is hereby appropriated, and the Comptroller shall draw his warrant in favor of the several agents engaged in the distribution, upon their producing the certificate of the Secretary of State that the amount is according to contract, and that the services have been performed.
- Approved, March 1, 1848.

[No. 98.]

AN ACT

To incorporate the Tennessee Valley Rail Road Company.

WHEREAS, It is alleged, that the Tuscumbia, Courtland and Decatur Rail Road, with all its property, appurtenances, machinery, cars, tools and stock, was sold at public sale.

on the 22d day of September, 1847, under a decree from the United States District Court for the Northern District of Alabama, and David Deshler having become the purchaser thereof; therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That David Deshler, with his associates and successors, or assigns, be, and they are hereby made a body politic and corporate, in deed and in law, by the name and style of the Tennessee Valley Rail Road Company, in which name they, and their successors, are hereby made capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court of law or equity in this State, or elsewhere; to purchase, receive and hold, sell, convey and confirm real and personal estate, as natural persons; to have and use a common seal, and to alter and change the same at pleasure; to pass such by-laws, rules and ordinances (and at pleasure to alter and revoke the same) for the good government of said corporation; and to organize, for the purposes of business, upon such plan and principles as to them shall seem best and proper; and to do and exercise all acts, matters and things necessary to carry into full and complete effect the objects of this act: *Provided*, such by-laws, rules and ordinances, shall not be repugnant to the laws and Constitution of this State.

Body Corporate.

Name and style.

Corporate powers

Sec. 2. *And be it further enacted*, That should the said Company, so incorporated, choose or prefer to raise stock by general subscription, to pay the purchase money for the said rail road, and for the re-construction, modification, extension and repair thereof, &c., the following named persons, viz: Thomas Fearn, George P. Beirne, James I. Donegan, James J. Pleasants; Robert Fearn, Jesse W. Garth, James Fennel, A. A. Burleson, Henry W. Rhodes, John T. Abernathay, George W. Carroll, E. D. Townes, N. J. Huston, F. O. Sherrod, Samuel Elliott, John Simpson, James H. Weakley, S. C. Posey, R. W. Vaser, Daniel Coleman, and Nicholas Davis, shall be, and they are hereby appointed Commissioners to open books for the subscription of stock to the amount of one million of dollars in the said corporation, in the following named places, viz: at the town of Huntsville, in Madison county; at Decatur, in Morgan county; at Courtland, in Lawrence county; at Tuscumbia, in Franklin county; at Florence, in Lauderdale county; and at Athens, in Limestone county: And that, as soon as may be after the passage of this act, (provided said corporation shall choose this mode) the said Commissioners shall be convened at such place as may be appointed by said Cor-

Purchase money may be raised by subscription.

Com'rs to open books.

Am't. of stock.

poration, for the purpose of executing the said commission, by opening books at the several places mentioned for the subscription of stock in said corporation, first giving ten days public notice of the time for opening said books, at each of the aforesaid places; and the books of subscription shall be kept open for at least six successive days, but may be continued open for twenty days (at the discretion of the commissioners) at each of the places mentioned; any member of the said commissioners, in conjunction with one or more members of the said corporation, (or any person designated by said corporation) shall be authorized to act: And when the sum of two hundred thousand dollars shall have been subscribed, in shares of one hundred dollars each, upon which subscription there shall be paid to said commissioners, at the time of subscribing, the sum of ten dollars upon each and every share of stock subscribed, and no subscription shall be valid without such payment: And the commissioners from the several counties shall report (as soon as the time for subscribing is closed) to the Commissioners at Huntsville, viz: Thomas Fearn, George P. Beirne, James J. Donegan, J. J. Pleasants, and Robert Fearn, the amount subscribed respectively, and shall also pay over the sum or sums of money by them received upon such subscriptions, to the said commissioner at Huntsville, and take their receipts for the same; all of which money so paid on subscriptions of stock as aforesaid, shall be subject to the control of the directory after organization, and as soon as the books for subscription are closed, the said commissioners shall call a meeting of the stockholders (by public advertisement, or otherwise,) to be convened at such place and at such time as they shall think fit; at which meeting of stockholders so convened, an election for thirteen Directors shall be held, (who shall be stockholders in said corporation) to serve for one year, and until their successors in office shall be elected and qualified; and said directors, so elected, shall choose from amongst themselves a President of their Board, and after having been duly qualified, by taking an oath for the faithful performance of their duties, as such President and Directors, the Company shall be considered fully organized under this section: But should said commissioners fail in attaining subscriptions to the amount of the said two hundred thousand dollars, in that event, it shall be optional with the said corporation to receive the amount so subscribed, and organize under the provisions of this section, or to direct the money received on said subscriptions to be returned to the subscribers, and maintain their organization under the first section of this act: And should the subscrip-

Comrs shall report stock subscribed, and pay over money received.

When books closed meeting shall be called.

13 directors elected.

President chosen.

Discretionary powers.

tions amount to more than one million of dollars, then the said commissioners shall reduce the number of shares subscribed *pro rata*, and return the money paid on such excessive shares: *Provided, however*, that no subscription shall be reduced below five shares. The times for holding future elections, the number of directors and the number of members of the board that shall form a quorum for business, &c. shall be left to be provided for, and regulated from time to time, by the by-laws of the Company. In all elections for directors in this Company, each stockholder shall have one vote for each share of stock he, she or they may hold in said Company for the first one hundred shares, and for the second hundred shares, at the rate of two votes for every three shares, and for any number of shares over two hundred. one vote for every two shares. But if it should so happen that the day of annual election of President and Directors shall pass without an election being held, or effected, or any of them, the corporation shall not thereby be dissolved or deemed to be discontinued, but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by the by-laws of the corporation. And the said President and Directors shall have power to appoint such officers, agents, and servants, as they may think necessary, and to pay them such salaries as they may conceive just; and the said corporation shall have power to contract debts, and be contracted with, upon the credit of the stock thereof; and to pledge real and personal estate for the payment of their debts.

If subscription am't to \$1,000, - 000, shares shall be reduced pro rata.

Future elections.

Sec. 3. *And be it further enacted*, That after the said Company shall have been organized as aforesaid, the Directors of said Company shall make a call upon the stockholders thereof, to be paid within thirty days after date of such call, for an amount that shall be at least equal to the purchase money of said rail road (to be agreed upon) after the application of the amount required to be paid down at the time of subscription shall have been made, towards said purchase; should the same be insufficient for the purpose. And when the said purchase money shall have been fully paid and discharged, all right, title, interest; and property in said Tusculum, Courtland and Decatur Rail Road shall vest in said Company, including the right of way, and all rights, franchises, and privileges connected with said rail road. And afterwards, as soon as the said President and Directors of the said Company shall think fit, they shall make such further calls upon the stockholders, as they may deem necessary for the purpose of repairing, re-constructing or altering the said rail road, with its machinery, &c.

After organization, call upon stockholders may be made.

and for the purpose of the extension thereof, as hereinafter provided.

Powers of company after road is put in good condition.

Proviso.

Sec 4. *And be it further enacted*, That the said company shall have power, after their road shall have been put in good condition in all respects for business with the machinery &c., to extend their said rail road westward to the limits of this State, from the town of Tuscumbia, or eastward within the limits of Morgan county and as far east as the town of Huntsville, and they shall also have the power to make such branch roads, as they may deem expedient: *Provided*, that none of said extensions or branch roads shall extend beyond the limits of the counties bordering on the Tennessee river: *And provided further*, that they shall not conflict with any charter for a rail road already granted by this State. No extension or branch road as above provided for, shall be undertaken and made, however, without the assent of two thirds in value of the stockholders. This privilege of extension and branching shall be continued for the term of ten years: *Provided*, however that if an independent company shall be formed for the purpose of extending said road in either direction, and the necessary amount of capital shall be subscribed and secured, such company shall have the power and privilege of making such extension under a separate charter and administration, after this Corporation shall have refused to make such extension, and after a full and sufficient amount of stock subscribed as above, shall have been offered to said corporation.

May raise additional stock and make extension or branch roads

Directors may make calls.

Sec. 5. *And be it further enacted*, That the said corporation shall have power to raise additional stock from time to time to make extensions or branch roads or improvements, and alterations to their said road or roads by opening books for subscription of stock (after giving twenty day's public notice of time and place) to such an amount as shall be deemed sufficient for the object at the time in view. And the additional stock so subscribed for, shall be in shares similar to the shares in the original stock, and the holders thereof shall in all respects be on a footing with the original stock holders from the date of the completion of such extension or branch road. After the subscription of such additional stock the directory of said company may require calls of such instalments as shall be deemed for the best for the interest of the corporation.— Shares of stock in said corporation shall be transferable on the books of the company, in accordance with such rules or by-laws as may exist, or may be adopted from time to time; and on the failure of any stock holder (either in the original or additional stock) to pay the amount due upon

his stock, in pursuance of any call made by the said corporation within sixty days after such call shall be due and payable to said corporation shall be authorized to sell the stock of such defaulting stock holder to the highest bidder at public auction at such place as they may appoint, for cash, after having given at least thirty days public notice thereof, by advertisement of such intended sale in some newspaper printed in the Tennessee valley, and the purchaser thereof shall receive a certificate of purchase from the proper officer of said company, and shall acquire all the rights of the original stockholder; and the excess of such sale, after paying all arrearages and expenses due on such stock, shall be paid to such defaulting stockholder or his representatives; and after the sale of the stock of such stock holder or stockholders as aforesaid, and a balance remaining still due and unpaid to said corporation, the directory shall have the power to collect any such balance due by suit at law (as in other cases of indebtedness to said corporation) and if the said directory shall so elect, they may collect by suit as above, any call or balance due without first selling the stock of said stockholder.

Forfeited stock may be sold and how.

Sec. 6. *And be it further enacted*, That said corporation shall be authorized to contract for and receive conveyances of any land, stone or gravel &c., which may be required, in the construction of the said extensions or branch roads, depots, &c., or in the reconstruction, alteration or modification of the present road, and when the owner and the company can not agree as to price, or when the owner is an infant, non resident, *non-compus mentus* or unknown, then it shall be lawful for the said company to apply to any justice of the peace for a warrant directed to the Sheriff of the county in which the land lies, commanding him to summon a jury of seven disinterested free holders, a majority of whom shall be authorized to assess the damages under the same rules and regulations now established by law in cases of other roads; and said jury shall forthwith assess the value of said land, stone, gravel, timber &c., or the damages to such premises: *Provided*, however, that the owner of the lands &c., shall in no case be liable to be brought in debt; such assessment shall be subject to the right of appeal to the circuit court by either party who shall think themselves aggrieved; where the trial shall be *de novo*, by a jury as in other cases; and the sheriff shall return the same to the office of the clerk of the county court of the proper county, and at the next term of the commissioner's court, the same shall be affirmed, if no objection; and if the court shall set the same aside, the court shall order a new writ, and the assessment made in pursuance thereof.

Corporation may contract for and receive title for land, stone and gravel.

Disagreements between parties, how settled.

Damages to be assessed by a jury.

shall be final; and the land, stone, gravel, timber, &c., so contracted for, or condemned, shall inure to the said company for, and during the continuance of said corporation, upon the payment of the money to the person contracted with, or into court as the case may be, and the whole proceeding shall be entered of record in said court at the expense of said company: *Provided*, however that the said work shall in nowise be delayed, on account of the proceedings had as aforesaid; but the said company on tendering the money to which the said land, stone, gravel, timber or damage shall have been valued, to the owner, or depositing the same in the office of the clerk of the said court, may proceed with said work without any hindrance or delay: *And provided further*, that no right shall exist in said company to pull down or remove any dwelling house, without the consent of the owner thereof.

Pres't & Direct's
may call meetings
of stockholders.

Sec. 7. *And be it further enacted*, That the president and directors of said corporation shall have power to call meetings of the stock holders, at any time, stating in the call the business intended to be transacted at such called meeting, and no other business shall be transacted; a majority of the stock holders in value either in person or by proxy, shall be necessary to transact business; and at such called meetings a majority of said stock holders in value, shall have power to remove the president or any director or directors and appoint others in their place—and in case of the death, resignation, or refusal to act of the president or any director, a majority of the residue shall have power to fill vacancies in the board until the next annual meeting of the stockholders—and shall have power to remove at pleasure any officer, agent or servant.

Construction of
extension or
branch roads.

Sec. 8. *And be it further enacted*, That in the construction of the said extension or branch roads, or the reconstruction or modification of the present road, the said company shall not obstruct, or use the public roads, that now are or may hereafter be established—but shall provide suitable and convenient ways by which they shall cross said rail roads.

Annual reports to
be made.

Sec. 9. *And be it further enacted*, That at the regular annual meetings of the stock holders of the corporation it shall be the duty of the President and Directors in office for the preceeding year, to exhibit a clear and distinct statement of the affairs of the company for the information of the stock holders; and shall also, annually or semiannually declare, and make such dividends as they may think proper, of the nett proceeds arising from the operations of the said company, for the period that shall just have been completed, and they shall divide the same amongst the stock-

holders of said company in proportion to their respective shares.

Sec. 10. *And be it further enacted*, That said rail road with its extensions, branch roads, improvements, works, machinery for transportation, depots, &c. &c. are hereby vested in said corporation, and their successors, for fifty years, and may be continued forever: *Provided*, that at the expiration of fifty years from the date of this act, and at the subsequent term of ten years, the State shall be authorized to take all of said works, cars, and estate of every description whatever, belonging to said company at the then value of the stock of said company, if the State of Alabama should elect so to do; but if the State shall not, within one year after the expiration of any one term of ten years, take said works, then the charter of said corporation shall be continued for a subsequent term of ten years, and so on from term to term of ten years.

Railroad and fixtures, &c. vested in corporation.

Proviso.

After 50 years State may take the work.

Sec. 11. *And be it further enacted*, That if any person or persons shall intrude upon the said rail road or rail roads, or any part thereof, by any manner of use thereof, or of the rights or privileges connected therewith, without permission or contrary to the will of the said company, he, she, or they, shall forthwith forfeit to the company all the vehicles and animals that may be so intrusively introduced, and used thereon, and the same may be seized by the company or its agents, or recovered by suit at law; and moreover, the person or persons so intruding, may be indicted as for a misdemeanor, and upon conviction fined or imprisoned, or both, at the discretion of the jury trying the same; and if any person shall willfully and maliciously destroy, or in any manner hurt, damage, injure or obstruct, or shall willfully and maliciously cause or aid, assist or counsel, or advise any other person or persons to destroy, or in any manner hurt, damage or injure, or obstruct the said rail road, or any branch thereof, or any bridge connected therewith, or any vehicle, edifice, right or privilege, granted by this act, and constructed for use under the authority thereof, such person so offending, shall be liable to be indicted, and on conviction thereof, shall be imprisoned at hard labor in the Penitentiary, at the discretion of the jury trying the same, not less than two nor more than twenty years, and shall be further liable to pay all the expenses of repairing the same; the one half of, all the fines that may be imposed by the jury trying the same, under this act, shall be paid to the informer, and the other half to the said corporation.

Penalty for intruding upon the road or corporate privileges.

Sec. 12. *And be it further enacted*, That the said Tennessee Valley Rail Road Company, shall at all times have the exclusive right of transportation of freight and passengers, over their said rail road, or roads, while they see fit

Exclusive right secured to company.

Rates of charges
restricted.

Company may
rent or farm out
the road.

Force of obliga-
tions.

Mode of organi-
zation, effectual.

to exercise such exclusive right: *Provided*, that the charge for transportation on freight shall not exceed twenty cents per ton, (of two thousand pounds) per mile, and five cents per mile for every passenger on distances of ten miles and upwards: *Provided always*, that the said company may, when they see fit, rent or farm out, all or any part of their said exclusive privilege or right of transportation or conveyance of persons on the said rail road or rail roads, with the privilege to any individual or individuals or other company, and for such term as may be agreed upon, subject to the rates above mentioned. And the said company shall have power to take at the store houses or depositories they have and may establish on, or annexed to their rail road or roads, all goods, wares, merchandize and produce intended for transportation or conveyance, prescribe the rules of priority, and charge such just and reasonable terms and compensation for storage, commission and labour, as they may by rules establish; (which they shall cause to be published) or as may be fixed by agreement with the owners, which compensation shall be distinct from the aforesaid rates of transportation.

Sec. 13. *And be it further enacted*, That the notes, bonds and other obligations of the company, signed by the President or any authorized officer or agent of the company, shall be binding upon the company without the seal of the corporation being affixed.

Sec. 14. *And be it further enacted*, That the mode of organization, whether it be under the first or second section of this act, shall be entirely sufficient to carry out the powers of this charter, and that when the terms "President and Directors" are used in this act, as more particularly accordant with the mode of organization prescribed under the second section, the same expression shall also mean and define, the executive and directive power that may be organized under the first section, and for the purpose of simplifying the executive and directive organization or powers of this company, such power shall be styled, "the Directory of the Corporation," and shall make all contracts and agreements in behalf thereof, and have power to call for all instalments, declare all dividends of profits, and to do and perform all other acts and deeds which, by the by-laws of the corporation they may be empowered to do and perform; and the acts of the Directory, or their contracts authenticated by the signature of the President and Secretary shall be binding on the Corporation without seal.

Regular minutes shall be kept of all meetings of the di-

rectory, and of their acts and proceedings at such meetings.

Sec. 15. *And be it further enacted*, That at all elections for directors, and at all meetings of the stockholders, they may attend and act in person, or may be represented by proxy; but no one except a stockholder shall be capable of being a proxy; and the mode of appointment and authentication of such proxy, shall conform with such bye-law as may be framed and adopted from time to time on the subject.

Stockholders may vote in person, or by proxy.

Sec. 16. *And be it further enacted*, That said corporation shall have power to purchase the Tuscumbia rail way, extending from Main street in Tuscumbia, to a point near the depots at the Tuscumbia landing on the Tennessee river; and that they shall have the right in that way to acquire all the rights, privileges and franchises, right of way, &c. possessed by said Tuscumbia rail way company; or they may amalgamate, and the said Tuscumbia rail way company may become merged in the Tennessee Valley Rail Road Company, upon such terms as the two corporations may agree.

Company may purchase Tuscumbia railway.

Sec. 17. *And be it further enacted*, That the directory of the corporation shall not exceed in their contracts the amount of the capital of the corporation; and in case they shall do so, the President and directors who are present at the meeting at which such contract or contracts exceeding the capital shall be made; shall be jointly and severally liable for the amount of the excess, both to the contractor or contractors, and to the corporation: *Provided*, that any one may discharge himself from such liability by voting against such contract or contracts, and causing such vote to be recorded in the minutes of the directory, and giving such notice thereof to the next general meeting of the Stockholders.

Directory restricted in making contracts.

Sec. 18. *And be it further enacted*, That nothing herein contained shall be construed to effect the rights of any person or persons in any charter heretofore granted to the Tuscumbia, Courtland and Decatur Rail Road Company.

Reservation.

Sec. 19. *And be it further enacted*, That if the said company, by its President, Treasurer, Clerk or other officer, in any manner issue notes or bills to pass as a circulating medium, all the privileges hereinbefore granted shall be forfeited.

Banking prohibited.

Sec. 20. *And be it further enacted*, That stock may be subscribed, and held in this corporation, in fractional shares, viz: half shares of fifty dollars, and quarter shares of twenty five dollars.

Fractional stock may be subscribed.

Approved, Feb. 10, 1848.

[No. 99.]

AN ACT.

To confer certain powers on the Intendant and Town Council of Selma.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Intendant and Town Council of the town of Selma, or a majority of them, be, and they are hereby authorized and empowered to convey in fee simple, to the Trustees of the "Central Masonic Institute" of Alabama, at Selma, all that portion of Alabama street upon which the building of said Institute has been erected, which lies west of the building, and so much of said street adjacent thereto, as they, in their discretion may think proper to convey: *Provided,* they shall not convey any portion of said street which is more than fifty feet east of said building.

Approved, Feb. 11, 1848.

[No. 100.]

AN ACT

To incorporate the Pleasant Hill Academy, Church, and Camp ground, in the County of Jefferson.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened;* That Reuben Philips, James McAdory, Thomas McAdory, Thomas H. Owen, Isaac W. Sadler, and Samuel A. Tarrant, and their successors in office, be, and they are hereby made a body corporate, by the name and style of the President and Trustees of the Pleasant Hill Academy, Church, and Camp ground; and by that name shall be capable of suing and being sued, pleading and being impleaded, and to receive donations, borrow money, purchase, have and hold real and personal property, not exceeding the sum of ten thousand dollars, and to sell and convey the same, or any part thereof.

Sec. 2. *And be it further enacted,* That said Trustees shall have power to fill all vacancies that may occur in the board of Trustees, to appoint a President out of their own number, a Secretary and Treasurer, and to make and provide such by laws and regulations as they, or a majority of them may deem necessary for the good government and well being of said Academy, Church and Camp ground: *Provided,* such by-laws and regulations are not inconsistent

May convey a certain piece of ground.

Corporators.

Name, style and powers.

Powers.

ent with the Constitution of the United States, or with the Constitution (and laws) of this State.

Approved, March 4, 1848.

[No. 101.]

AN ACT

To authorize John L. Benton, of Coffee County, to erect a Toll Bridge across Pea river, in said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be lawful for John L. Benton, of the county of Coffee, to erect a Toll Bridge across Pea river, at or near his ferry in said county; and that said Benton, his heirs and assigns, are hereby authorized to charge and receive such toll for the crossing on said bridge, for the term of ten years from the time such bridge may be completed, as may be from time to time authorized and allowed by the Court of Commissioners of Revenue and Roads of Coffee county. May erect a toll bridge and receive toll for 10 years.

Sec. 2. *And be it further enacted,* That it shall not be lawful for the said Benton, his heirs or assigns, to charge and receive any toll, as aforesaid, without he or they shall have first entered into bond and security, conditioned and payable in the same manner, and for the same sum, as is now by law required by keepers of public ferrys in this State, to be approved of by the Judge of the County Court of said county of Coffee, and which said bond shall be renewable every five years, and oftener if the judge of said county should require it, any law to the contrary notwithstanding. Shall enter into bond as keepers of public ferrys.

Approved, March 6, 1848.

[No. 102.]

AN ACT

To incorporate the Orion Male and Female Institute of Pike County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That there shall be established, on the south east quarter of the north east quarter of section one, in township eleven and range twenty, on Prospect Ridge, in Pike county, a male and female seminary, to be known and called the Location.

Name and style. "Orion Male and Female Institute," and that Solomon Siler, William Talbot, Enoch Salter, G. G. McLendon, Levi Freeman, James Talbot, and William McCollough, and their associates and successors in office, be, and they are hereby declared to be, a body politic and corporate, by the name and style of the Trustees of the Orion Male and Female Institute; and as such, shall be capable of suing and being sued, of pleading and being impleaded, and to have and use a common seal; to break, alter or amend the same at pleasure.

Organization of board. Sec. 2. *And be it further enacted*, That the said Trustees, their associates and successors in office, under such rules as they may establish, shall have power to elect a President, and such other officers of their body, as they may think proper; and for the use and benefit of said Institute, shall be capable of acquiring, by purchase or otherwise, of accepting, receiving and being invested with all manner of property, real, personal, and mixed, as also, all donations, gifts and grants; and to sell and dispose of the same, as they may think proper: *Provided, however*, the property so held shall not, at any one time, exceed the sum of twenty thousand dollars.

Corporate ability. Sec. 3. *And be it further enacted*, That the said Trustees, their associates and successors in office, or a majority of them, shall be authorized to grant certificates, diplomas, or other evidences of scholarship,—to pass such by-laws, rules and regulations for the government of their body and said Institute, as may be deemed necessary: *Provided*, such by-laws, rules and regulations shall not be repugnant to the Constitution of the State of Alabama, or of the United States.

May grant diplomas. Sec. 4. *And be it further enacted*, That in the event of a vacancy in their body, by death, resignation, removal or otherwise, the survivors or residue of said Trustees shall be empowered to fill such vacancies in such manner as their rules and regulations may prescribe.

Vacancies how filled. Sec. 5. *And be it further enacted*, That an act entitled "an act to incorporate the Orion Male and Female Academy, in Pike County, and for other purposes," approved January 25th, 1845, be, and the same is hereby repealed.

Repeals. Approved, Feb. 10, 1848.

[No. 103.]

AN ACT

To incorporate the Uchee Female Academy in the county of Russell.

Section 1. *Be it enacted by the Senate and House of*

Representatives of the State of Alabama, in General Assembly convened, That there shall be established in the county of Russell, at Uchee, a female academy, to be called and known as the Uchee Female Academy, and that Wilkins Smith, N. W. Long, L. S. Johnson and William Threadgill, and their successors in office be, and they are hereby declared to be a body politic and corporate, by the name and style of the Trustees of the Uchee Female Academy; and as such shall be capable and liable in law to sue and be sued, to plead and be impleaded, and shall be authorized to make such laws and regulations as shall be necessary for the government of said academy:

Name of academy

Trustees.

Powers.

Provided, such by-laws and regulations are not repugnant to the constitution of this State; and for that purpose may have and use a common seal, and appoint such officers as they may think proper, and remove the same from office for improper conduct or neglect of duty.

Proviso.

Sec. 2. *And be it further enacted,* That said trustees or body corporate, shall be privileged to accept of and be invested with all manner of property real, personal, and mixed, also all donations, gifts, grants and privileges which may be hereafter made or granted to the said institution, or which may be hereafter conveyed or transferred to them or their successors in office, to have and hold the same for the use, benefit, and behalf of said academy.

Corporate ability

Sec. 3. *And be it further enacted,* That when a vacancy may occur by death, resignation, or otherwise, of any trustees of said academy, the survivors or residue of said trustees, shall fill the same in such manner as shall be pointed out by the by-laws and regulations of the said incorporation.

Vacancies.

Sec. 4. *And be it further enacted,* That all property owned or possessed by said trustees, in their aforesaid corporate capacity, shall be vested with such body corporate in perpetuity for the use of said academy.

Property vested.

Approved, March 3, 1848.

[No. 104.]

AN ACT

To incorporate the Fredonia Male and Female Academies in the County of Chambers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all the provisions of the act or acts, incorporating the Male Academy of Fredonia, in the county of Chambers,

Provisions extended.

Name and style.

be, and the same are hereby extended to the Male and Female Academies of said town; and that the said Male and Female Academies are hereby incorporated into one, to be known as the "Fredonia Male and Female Academies;" and by that name said corporation is hereby invested with all the rights, powers, liabilities and obligations granted, confirmed or imposed, by any said act or acts, heretofore passed in relation to the Fredonia Male Academy.

Trustees.

Sec. 2. *And be it further enacted*, That Jesse Gunn is hereby appointed President of said corporation; and A. F. Zachary, James M. Gunn, G. F. Hill, Eli McKinney, James McLendon, G. W. Smart, A. H. Findley and Asa Cox, and their successors, are hereby constituted and appointed trustees of said corporation, with all the rights, powers and duties, heretofore granted and imposed by the above mentioned act or acts.

Approved, March 3, 1848.

[No. 105]

AN ACT

To incorporate the LaFayette Male Academy, in the County of Chambers.

Corporate style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That John C. Towles, Waid Hill, J. W. Batchelder, P. T. Richardson, C. G. Hudson, Benjamin L. Goodman and Atchison Finlay, be, and they are hereby constituted a body corporate, under the name and style of the Trustees of the LaFayette Male Academy.

Organization.

Sec. 2. *And be it further enacted*, That the said Trustees shall have power to appoint one of their body President, appoint a Secretary, Treasurer, and such other officers, and make such additions to the numbers of Trustees, as they may deem necessary or expedient for the well being and good government of said Institution, and appoint Teachers as to them may seem expedient, and shall have power to define the duties of each of said officers and teachers, and to define the rate of tuition, and the same to increase or diminish at pleasure; with the further power to make and execute all contracts that may be necessary in and about said institute; to fill all vacancies that may occur in the Board of Trustees from any cause, and to appoint the time of holding the meetings of said boards, and shall further have power to make all such bye-laws for

Powers of trustees.

the regulation and government of said seminary, as they, or a majority of them may deem necessary: *Provided*, said bye-laws shall not be incompatible with the constitution and laws of this State, and the United States.

Sec. 3. *And be it further enacted*, That the said corporation, by its corporate name, shall be capable in law to have and use a common seal, and the same to break, alter and renew, at pleasure, and of suing and being sued, of pleading and being impleaded, of answering and being answered, in all kinds of actions, of receiving donations and making purchases of property, which shall inure to them or their successors in office, of holding real and personal estate, not exceeding twenty thousand dollars. Corporate ability

Sec. 4. *And be it further enacted*, That the trustees in connexion with the teachers in said institution shall have power to grant certificates of honor to the graduates, as in their judgment, they or a majority of them shall think proper. Certificates of honor.

Approved, March 3, 1848.

[No. 106.]

AN ACT

To incorporate the town of Montevallo, and for other purposes,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the town of Montevallo in the county of Shelby, be, and the same is hereby incorporated, with all the privileges and immunities appertaining to incorporated towns; the corporate limits thereof extending one half mile in every direction from the tavern house in said town recently occupied by Alexander W. Nelson. Corporate privileges and limits.

Sec. 2. *And be it further enacted*, That on the fourth Saturday of March next, and annually thereafter, there shall be an election held by any two justices of the peace of said county, for three town commissioners for said town; at which election, all qualified electors, residing within the limits of said corporation, three months next preceding an election, shall be entitled to vote. Election for officers.

Sec. 3. *And be it further enacted*, That the commissioners, so elected, shall hold their office for twelve months; shall have power to fill all vacancies occurring either by death or otherwise, and enact such laws, not repugnant to the laws of the United States and of this State, as are necessary for the suppression and removal of nuisances; Term of office.
May pass laws.
Restriction.

repairing the streets thereof, and for the better regulation of the police of said town.

Election for justice of the peace for corporation.

Sec 4. *And be it further enacted*, That, at the same time, and in the same manner, prescribed in the second section of this act, for the election of commissioners, there shall be an election held for a justice of the peace in said corporation, who shall be vested with the same powers, receive the same fees, be liable to the same penalties, and continue in office the same length of time, that other justices of the peace of this State now do; said justice of the peace exercising jurisdiction only, over cases which shall originate in said corporation; and at the expiration of three years from the said fourth Saturday in March next, another election shall be held to fill the office of said justice of the peace, and so on every three years thereafter; and in case of vacancy, by death, resignation or otherwise, such vacancy shall be filled by an election, to be held by the qualified voters of said town, upon ten days' previous notice.

Approved, March 3d, 1848.

[No. 107.]

AN ACT

To Incorporate the Blountsville Male and Female Academies, in the County of Blount.

Names of trustees Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That James Hendricks, Samuel Foust, Thomas Nation, Thomas B. Shearer and Lodowick Hudson, and their successors in office, be and are hereby created a body corporate by the name and style of the President and Trustees of the Blountsville Male and Female Academies, and by that name shall have power to receive donations, borrow money, purchase, have and hold real estate, not to exceed the value of ten thousand dollars, for the purposes of education, to sue and be sued, to plead and be impleaded, and to recover all debts that may become due or owing to said institution.

Corporate style.

Powers. Sec. 2. *And be it further enacted*, That the above named trustees shall have power to appoint a President, Secretary and Treasurer, and such other officers as they may think necessary, to advance the interests of said institution, and to prescribe the duty of each, to grant such rewards or confer such honors on graduates as they may think proper.

Vacancies. Sec. 3. *And be it further enacted*, That all vacancies that may occur in said board of trustees, shall be filled by the remaining trustees.

Sec. 4. *And be it further enacted*, That teachers and students in said Academy, shall not, during regular session, be liable to work any street or road, but may be compelled to make up lost time immediately.

Exemption in favor of teachers and students.

Approved, February 29, 1848.

[No. 108.]

AN ACT

To amend an act Incorporating the City of Montgomery, approved 22d December 1837.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the City Council of Montgomery be, and is hereby empowered, in addition to the powers already conferred by said act, to pass ordinances or by-laws to regulate the erection of wooden buildings in such parts of said city as in the opinion of the Council the public good may require, and pass ordinances for the punishment of such as may injure or deface the public buildings or grounds.

Certain powers may be exercised

Approved, February 26, 1848.

[No. 109.]

AN ACT

To Incorporate the Newberne Female Academy in the county of Greene.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That there shall be established in the County of Greene, and village of Newberne, a Female Academy, to be called and known as the Newberne Female Academy; and that David W. Borden, John R. Hendon, A. B. W. Hopkins, W. H. Borden, J. F. Whitset, C. C. Huckabee and W. F. Hendon, and their successors in office, be, and the same are hereby declared a *body politic* and corporate, by the name and style of "The Trustees of the Newberne Female Academy;" and as such shall be capable and liable in law, to sue and be sued, to plead and be impleaded; and shall be authorized to make such laws and regulations as shall be necessary for the government of said Academy: *Provided*, that such by-laws and regulations are not repugnant to the constitution and laws of the State; and for that purpose may have and use a *common seal*; and appoint such officers as they may think proper, and remove the same from office, for improper conduct, or neglect of duty.

Trustees.

Name.

Powers.

Proviso.

Sec. 2. *And be it further enacted*, That said Trustees, or body corporate, shall be privileged to accept of, and be invested with

Corporate ability

all manner of property, real, or personal, or mixed; also, all donations, gifts, grants and privileges, which may hereafter be made or granted to the said institution, or which may hereafter be conveyed or transferred to them or their successors in office, to have and to hold the same for the use, benefit and behalf of said Academy: *Provided*, the same shall not exceed twenty thousand dollars.

Vacancies.

Sec. 3. *And be it further enacted*, That when a vacancy may occur by death, resignation, or otherwise, of any of the trustees of said Academy, the survivors or residue of said Trustees, or a majority of them, shall fill the same in such manner as shall be pointed out by the bye-laws and regulations of the said corporation.

Property vested.

Sec. 4. *And be it further enacted*, That all property owned by said Trustees, in their corporate capacity aforesaid, shall be vested with such body corporate, in perpetuity, for the use of said Academy.

Approved, March 1, 1848.

[No. 110.]

AN ACT

To Incorporate the Trustees of the Union Academies in the Counties of Lawrence and Franklin.

Trustees.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That William Leigh, John T. Abernathy, Davis Gurly, Amos Jarman, John Smith, Manoah B. Hampton, Warren Hooks, Edward B. Delony and Obediah S. Davidson, Trustees of the Union Academy in township four, of ranges nine and ten, in Lawrence and Franklin counties, and their successors in office, appointed or elected, or to be appointed or elected, according to the rules and regulations of the said Union Academies, be, and they are hereby constituted a body corporate, by the name and style of the "Trustees of the Union Academies," and by said corporate name shall have perpetual succession of officers and members to be appointed or elected in such manner, and according to such form, as may be prescribed by the rules and regulations now existing, or which may hereafter be made for the better government of said corporation, and that they may have a common seal, with power to alter and make new the rules and regulations and said common seal, so often as they shall deem expedient.

Style of body corporate.

Powers and privileges.

Sec. 2. *And be it further enacted*, That said corporation shall be able and capable in law, to purchase, have, hold, possess, enjoy and retain to itself in perpetuity, or for any term of years, any estate, real or personal, of what kind and nature soever, and to sell, alien and dispose of the same as they may think proper, and by its corporate name to sue and be sued, to plead and be impleaded, in any Court of law or equity in this State; and to make rules,

and regulations, and to do such other things, not repugnant to the laws and constitution of this State, or of the United States, as they may deem necessary or expedient for the good and prosperity of said Academies: *Provided*, that said corporation shall not be entitled to have, hold or retain as aforesaid, real or personal estate to an amount exceeding twenty thousand dollars.

Approved, Feb. 25, 1848.

[No. 111.]

AN ACT

To alter and amend the third section of an act approved the seventh day of January 1846, entitled "an act to incorporate the Prattville Male and Female Academy, in Autauga county."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the approval of this act, it shall not be lawful for any person or persons, with or without license, to retail or sell in quantities less than one gallon, any ardent spirits, fermented liquors or intoxicating drinks of any description whatsoever, within two miles of said Academy; and any person or persons, violating the provisions of this act, shall be liable to indictment before the Circuit Court of Autauga county; and, on conviction of any person or persons, under the provisions of this act, he, she or they shall be fined by the jury trying such offender, a sum not less than two hundred dollars; one half of which shall be paid into the treasury of said county, to be disposed of as other fines; the other half shall be paid into the treasury of said Academy, to be disposed of for the benefit thereof.

Retailing spirituous liquors within two miles prohibited.

Approved, Feb. 18, 1848.

[No. 112.]

AN ACT

To incorporate the Florence and Pulaski Turnpike Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That, S. C. Posey, Wm. Crittenden, James Irvine, Joseph Hough, H. D. Allen, N. H. Rice, Donald Campbell, and Matthew Wilson, Hriam Kennedy, and John McDavis be and they are hereby appointed Commissioners to open books for the purpose of receiving subscriptions to the amount of two hundred and fifty thousand dollars, to be applied to the construction of a turnpike road from the town of Florence to the Tennessee State line at or near the town of Lex-

Com'rs to open books.

Sum to be raised and how applied.

ington; the laying out and reviewing said road to be under the supervision of the commissioner's court of roads and revenue of the county of Lauderdale, which said sum of two hundred and fifty thousand dollars shall be divided into shares of one hundred dollars each; and the subscription shall be in person or by attorney; and so soon as the sum of sixty thousand dollars shall be subscribed it shall be the duty of the commissioners to call a meeting of the subscribers in the town of Florence, by giving twenty days public notice by publication in some newspaper published in the town of Florence, of said meeting; and the said subscribers from and after the first meeting shall be, and they are hereby, constituted a body politic and corporate, under the name and style of the Florence and Pulaski Turnpike Company, and as such shall continue for the term of twenty years, and as such may sue, and be sued, plead, and be impleaded, answer and be answered, sell, purchase, and transfer, and have a common seal; the subscribers or a majority of them who shall be present at the first meeting of the said subscribers shall elect nine Directors, being share holders, who shall elect one of their body President of the board of Directors; and the President and Directors thus chosen shall continue in office one year, and until an other election shall take place; the President and Directors thus chosen shall have power to receive subscriptions for the residue of the two hundred and fifty thousand dollars until the whole sum shall be subscribed for; and to make contracts with any person for the construction of said road and for performing such other work thereon as they may deem proper and necessary, and to require from time to time of the stockholders such advances on the respective shares as the wants of said company may require and demand, until the whole subscription shall be paid: *Provided*, that no call shall be made for more than twenty dollars at any one time on each share, of which thirty days' notice shall be given by publication in some newspaper published in the town of Florence. Said Directors shall have power upon all emergencies to call a general meeting of the subscribers, giving thirty days notice in a newspaper published in the town of Florence; and it shall be their duty to call such general meetings of the subscribers under such regulations aforesaid whenever a majority of the stockholders shall require it. They are hereby empowered to appoint a treasurer, clerk, and such other officers as may be necessary to sign and settle all accounts, and to transact all business of the said company during the intervals between the general meetings.

Subscribers declared a body corporate.

Name and style.

Powers.

President and Directors to be chosen.

Their powers.

Sec. 2. *And be it further enacted*, That if any subscri-

ber shall fail to pay the amount called in by the Directors, within thirty days after the same shall have been required by the advertisement as aforesaid, it shall be lawful for the President and Directors to sell at auction and convey to the purchaser, the share or shares of such subscriber thus failing or refusing to pay, and after retaining the sum due with costs of sale, to pay over the surplus to the former owner of such share or shares, and if the sale shall not produce the sum to be advanced, with interest and incidental charges, in that case it shall be lawful for the company to recover the balance, of the original proprietor, on motion before the county or circuit court where such delinquent resides, ten days previous notice being given of said motion, or by warrant before any magistrate where the sum does not exceed fifty dollars, upon giving the notice aforesaid. And all persons purchasing under the sale of the President and Directors shall be subjected to the same rules and regulations, restrictions and penalties as are the original stockholders.

Forfeited stock
may be sold.

Sec. 3. *And be it further enacted*, That the President and Directors or any five of them, shall be sufficient to transact ordinary business; and all vacancies which shall happen in the office of President and Directors between the regular meetings of the share holders, may be filled by the Directors, two thirds of the whole number being present. The clerk shall keep a regular journal of all the proceedings had and motions made at the several meetings; and each director shall be at liberty to call for the yeas and nays upon any question. And it shall moreover be the duty of the President and Directors to furnish printed certificates stating the number of shares held by each subscriber, which certificate shall be transferable by deed, which shall be recorded in a book kept by said company, acknowledged by the vendor or proven by two witnesses before the said clerk, which transfer thus recorded shall to all intents and purposes constitute the assignee a member of said company, subject to all the rules and regulations thereof.

Quorum to trans-
act business.

Sec. 4. *And be it further enacted*, That an election for Directors of said company shall be annually held in the town of Florence on the same day of the same month on which the first election was held, unless the same be on Sunday, and then on the day following; and at each election including the first, the shareholders present or by proxy, by plurality of votes shall elect by ballot said Directors; and if said election should not take place on that day it shall be held in the same manner and with like effect, on some early day to be appointed by the President and Directors then in office, of which thirty days notice shall be given in a newspaper

Directors to be
elected annually.

published in the town of Florence. And to constitute any such annual meeting of the company the presence of a majority of the shareholders, in person or by proxy shall be necessary. In counting votes each member shall be allowed one vote for each share as far as ten shares and one vote for every five shares above ten, held by him in the company at that time; and the Directors shall render fair and distinct accounts of their proceedings and of all disbursements of money to each annual meeting of the subscribers previous to the election of directors by said meeting for the ensuing year.

Sec. 5. *And be it further enacted*, That the commissioners court of roads and revenue of Lauderdale county shall have the power to lay out the said road. The said road shall be laid out thirty feet wide; eighteen feet of which shall be bedded with stone or gravel well compacted and of sufficient depth to secure a solid foundation; it shall be faced with gravel or broken stone, of a depth not less than nine inches in such a manner as to secure a firm and even surface, rising in the middle by a gradual arch, to be protected on the sides by ditches so constructed as to permit when practicable carriages to turn off said road. All the culverts and bridges on said road shall be of stone; the bridges to be secured by substantial railing on the sides.

Sec. 6. *And be it further enacted*, That as soon as the President and Directors shall have completed said road, six miles from the corporate limits of the town of Florence, they shall give notice thereof to the Judge of the county court of Lauderdale county, who shall thereupon appoint three discreet free holders not interested in said road, to view the same and to report to him in writing, whether said road is completed in a workmanlike manner according to the requisitions of this act; and if they or a majority or them report in the affirmative, it shall be the duty of said judge to issue a license under the seal of said county to said President and Directors and their successors in office, to erect one toll-gate and collect toll as is authorized by this act: *Provided nevertheless*, that the said toll-gate shall not be erected nearer than two and a half miles from the town of Florence.

Sec. 7. *And be it further enacted*, That it shall be the duty of the judge of the county court of Lauderdale county, and the commissioners of roads and revenue thereof annually to appoint three inspectors of said road, authorized by this act, whose duty it shall be upon the complaint of any too freeholders, in writing, that said road is out of repair, to inspect the same, and if they find the complaint just they shall give notice in writing of such defect, to the

Road to be laid out and how.

Road finished 6 miles, notice to be given.

Duty of Judge of co. court of Lauderdale co.

gate-keeper, or may order the gate to be opened at discretion: *Provided*, that no order shall be made without five days notice previous to making such order: *And provided also*, that at the end of that time the road shall not be repaired.

Sec. 8. *And be it further enacted*, That whenever said inspectors shall order the gate to be opened, no toll shall be collected, nor shall the gate be closed until a certificate be granted by the inspectors or a majority of them, that the road is repaired. When toll gate may be opened.

Sec. 9. *And be it further enacted*, That if the keeper of the gate refuse to throw the same open, when so ordered by the inspectors, or shall not keep the gate open until a certificate be granted permitting the same to be closed, or shall hinder or delay any one in passing, or shall at any time take more toll than is allowed by law, the said company for each and every such offence shall forfeit and pay to the party aggrieved the sum of ten dollars, to be recovered with costs of suit before any justice of the peace or competent tribunal. Penalty on keeper of gate refusing.

Sec 10. *And be it further enacted*, That if any person or persons shall forcibly or fraudulently pass the turnpike gate, or shall dig up or spoil said road, he, she or they committing such offence, shall be subject to a penalty of ten dollars, in addition to the damages resulting from such wrongful act; which penalty shall be recovered by said company before any justice of the peace for Lauderdale county, or other competent tribunal. Penalty for forcibly passing gate.

Sec 11. *And be it further enacted*, That the following shall be the rates of toll receivable at the gate of said turnpike road: For every twenty head of hogs or sheep, sixty cents; for every twenty head of horned cattle, one dollar and twelve and a half cents. for every horse, mule or jack ass, not employed in drawing a carriage, twelve and a half cents; and so in proportion for any greater or less number of said animals; for every four wheeled pleasure carriage, one dollar twelve and a half cents; for every two wheeled pleasure carriage, fifty six and a quarter cents; for every loaded wagon, containing six thousand pounds or less, one dollar twelve and a half cents, and ten cents for every four hundred pounds over; for every wagon loaded with cotton, containing fourteen bales or less, one dollar twelve and a half cents, and ten cents for every bale over fourteen; for every empty wagon, fifty-six and a quarter cents; for every loaded cart, fifty-six and a quarter cents; for every empty cart, thirty-seven and a half cents; for every mail coach or stage, one dollar twelve and a half cents; for every man and horse, thirty-seven and a half cents: *Provided*, that no toll shall be required of any citizen resi- Rates of toll.

Proviso.

dent in the county of Lauderdale. The tolls, when collected, shall be applied; by the President and Directors, in defraying all expenses and paying all debts contracted in constructing the road, and when such shall have been done, and the said road completed and finished, according to the true intent and meaning of this act, a majority of the stockholders may and shall order the nett profits from the tolls hereby granted, to be divided semi-annually among the proprietors of said company, according to their respective shares. And should any person refuse to pay the toll hereby granted, at the time of offering to pass, the toll gatherer may lawfully refuse a passage to such person or thing liable to toll, as aforesaid. And if any person, article, or thing liable for toll, shall by any ways pass without payment thereof, on demand made and refusal to pay, the toll gatherer may, by warrant, in the name of said company, from any justice of the peace, recover from the owner or person in possession of such article, or thing subject to toll, five dollars for every such offence.

Sec. 12. *And be it further enacted*, That if said company shall not begin the work within two years after said company shall have been formed, or shall not have completed the said road within six years thereafter, in the manner herein directed, then and in that case, all the right and interest in said road, and toll, hereby vested in said company, shall forever cease and be forfeited.

Sec. 13. *And be it further enacted*, That the President and Directors of the said company shall have power to borrow money, to contract debts and to be contracted with upon the credit of the stock of said company, and to pledge personal and real estate for the payment of the debts of said corporation. And it shall be lawful for said company, in the location of said road, to select a site for the erection of a gate and toll house, not exceeding two acres; also, to locate parts of said road on private property: and in case the President and Directors cannot agree with the owners of lands and materials required for said road, as to compensation therefor; or in case the owner thereof be an infant, non-resident, or non compos mentis, then, and in either case, it shall be lawful for the President and Directors to apply to the Judge of the County Court of Lauderdale county for a warrant, under his hand and seal, directed to the Sheriff of said county of Lauderdale, commanding him to summon the owner of such lands or materials, if found in his county; and also to summon a jury of twelve disinterested freeholders to appear before him, on the land, or at the place, where such materials may be, at a time not exceeding ten days from the issuance of said precept,

Tolls how applied

Penalty for refusing to pay toll.

Work must be begun in 2 years & completed in 6.

Pres. & Direct. may borrow money.

May select site for road.

Disagreement between company and owners of land how settled.

whose duty it shall be to assess the value of the land or materials so required; and in the case of lands, they shall, in the same assessment, assess the damages that the owner thereof may sustain by reason of the land being so taken for the use of said road; and in all assessments of value and damages under this act, the jury shall take into consideration the advantages that the defendant may derive from said road, and render their verdict accordingly. And it shall be the duty of the said judge to make a record thereof, and return the same to the Clerk of the Circuit Court of Lauderdale county; and the said clerk shall enter the same as a cause on the trial docket of said Court, at the term succeeding the return thereof; and on motion, if no objection be made, the same shall be affirmed, and judgment thereof be entered as in other cases; and if said motion be resisted, and sufficient cause in law be shown for setting aside said assessment, then judgment thereof shall be entered, and the Court shall forthwith order an issue to be made between the parties to try the same matter, and the parties shall proceed thereon de novo; and at the same term of the Court, unless sufficient cause be shown, by either party, for the continuance thereof, that the judgment of the Court, when for the claimants, shall be that the lands in question, or the materials, as the case may be, are condemned, to the use of the said Florence Turnpike Company; and the said company shall pay to the defendant such sum, together with costs, as may be found by the jury to be a reasonable compensation; and the same shall become vested in said company forever: and in all cases the party aggrieved shall have his writ of error as in other cases. *And be it further provided*, that the work shall in no wise be delayed by any proceeding had in the premises, after the Judge of the County Court shall return to the Clerk of the Circuit Court the assessment by the jury by him convened; but the President and Directors tendering the sum so assessed to the owner, or on depositing the amount for the use of the owner of such lands or materials with the Clerk of said Circuit Court, may proceed with the work as upon final judgment in favor of said claim; and in case of tender as aforesaid, and acceptance thereof, such acceptance shall be considered as a release of all errors in the proceedings; and the Circuit Court shall on suggestion enquire thereof and give judgment accordingly.

Sec. 14. *And be it further enacted*, That the stockholders shall be individually liable, in proportion to their respective shares, for all contracts made, bonds, bills, and notes executed, by said President and Directors, in the name of said corporation, whether the same be under seal or not.

Stock.

Sec. 15. *And be it further enacted*, That the stock of said company shall be deemed personal property.

Judges fees.

Sec. 16. *And be it further enacted*, That the President and Directors shall pay to the judge of the County Court two dollars for each warrant he may issue, under the authority of this act; one dollar each day to every freeholder who may be summoned before him, under the same; and one dollar to each inspector for every day they may be engaged in performing the duties required of them by this act.

Com'rs shall give notice.

Sec. 17. *And be it further enacted*, That the commissioners appointed by the first section of this act, shall give thirty days notice, in one of the newspapers published in the town of Florence, of the time when the books will be opened to receive subscriptions of stock, and that no person shall be allowed to subscribe for more than thirty shares, until after the expiration of ten days from the time said books shall be first opened as aforesaid.

Approved, February 19, 1848.

[No. 113.]

AN ACT

To incorporate the Prattville Fire Engine Company.

Names.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Daniel Pratt, William C. Allen, B. F. Miles, T. B. Avery, Samuel F. Ticknor, Ephraim S. Morgan, their associates and successors, be and are hereby incorporated, and made a body corporate, by the name and and style of the Prattville Fire Engine Company, and by that name that they be invested with all the powers, privileges, immunities, and liabilities incident to similar corporations.

Corporate style.

Powers.

Sec. 2. *Be it further enacted*, That said corporation have power to purchase and hold, in the said corporate name, real estate for erecting thereon a suitable Engine House; to hold all such property as may be by said company considered necessary for the extinguishment of fire, or for the discipline and exercise of said company.

Duties.

Sec. 3. *Be it further enacted*, That said company shall exercise and work their engines and other apparatus for the extinguishment of fire, at least one entire day in each month, and each member of said company, so long as he performs the duties by this act required, shall be exempt from all military duty; except when the Militia of this State are called into actual service.

Sec. 4. *Be it further enacted*, That said company shall not consist of less than twenty, nor more than forty effective members, at any one time; that the members thereof have power to make such rules, regulations and by-laws as they may deem necessary for the good order, government and regulation of said company; that they be authorized to impose such penalties, fines and forfeitures, as they, by their regularly adopted rules, may prescribe, for all defaults on the part of any member of said company; and enforce the collection thereof by an execution, issued by the President or Captain of said company, which execution shall be issued in the same manner, have the same force and effect, and with the same cost, as executions from Justices' Courts in this State.

No. of members
of company.

Sec. 5. *Be it further enacted*, That said company may create and elect, on the first Monday in January, in each year, such officers as they may require for the government of said company: *Provided*, no rule or by-law be framed or adopted which may be repugnant to the Constitution or laws of the United States, or of the State of Alabama.

Elec. of officers.

Approved, March 2, 1848.

[No. 114.]

AN ACT

To revive and amend an act entitled an act to establish a Board of Commissioners for the improvement of the navigation of the Black Warrior river, and for other purposes; approved February 1, 1839.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the following persons, to wit: James Hogan, William G. Parish, William Cochran, John Marrast, Henry Snow, Willis Banks, Samuel D. J. Moore, of Tuscaloosa; George Powell, of Blount; and David Hanby, of Jefferson county; be, and they are hereby constituted a board of commissioners, with all the authority and rights granted, and subject to the same restriction required by the above recited act, which is hereby revived and put in full force, and may apply the unexpended balance of the appropriation made by said act, on a downward or upward navigation of the Black Warrior river, as they may think best; and when any services have been performed, or contract made, the President of said board may draw an order in favor of any person or persons performing such services, or engaged in such contract, upon the assistant commissioner employ-

Commissioners.

Powers defined.

ed in the State Bank at Tuscaloosa, by authority of an act passed at the present session of the General Assembly, entitled an act to amend and continue in force an act entitled an act to regulate the affairs of the banks, and provide for the payment of the State bonds, approved the fourth of February, eighteen hundred and forty-eight; which order shall be a good voucher on any settlement with the general commissioners.

How contracts
may be let out.

Sec. 2. *Be it further enacted*, That the board of commissioners, authorized by this act, may publish the manner, the time, and place of letting out contracts, as they may think best; and any law or laws contrary to the provisions of this act are hereby repealed.

Approved, March 6, 1848.

[No. 115.]

AN ACT

To incorporate Oak Hill Academy, in the county of Wilcox.

Corporators.

Style.

Ability.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Daniel J. Fox, John H. Jones, William Dale, Charles T. McConnico, and Richard Williams, and their successors in office, be, and they are hereby created a body corporate and politic, by the name and style of "the President and Trustees of the Oak Hill Male and Female Academy," and by that name shall have power to receive donations, borrow money, purchase, have and hold real estate and personal property, not to exceed five thousand dollars in value, to be held by them for the purpose of education; to sue and be sued, plead and be impleaded, and to recover all debts that may become due, owing or belonging to said institution, as the property thereof.

Powers defined.

Sec. 2. *And be it further enacted*, That the above named Trustees, and their successors in office, shall have power to appoint a President, Secretary, Treasurer, and such other officers as they may think expedient or necessary to conduct said institution, and to prescribe the duties thereof; to pass all by-laws necessary for the government and maintaining of said institution, not incompatible with the laws of this State.

Vacancies.

Sec. 3. *And be it further enacted*, That all vacancies that may occur in the board of Trustees, by death, resig-

nation or otherwise, shall be filled by the members of said board.

Approved, March 1, 1848.

[No. 116.]

AN ACT

To revive and continue in force, "an act to incorporate the town of Decatur, in the County of Morgan," approved, January 9th, 1841.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an act to incorporate the town of Decatur, in the county of Morgan, approved January 9th 1841, be, and the same is hereby revived. Act revived.

Sec. 2. *And be it further enacted,* That the elections therein required to be holden, may hereafter be held on the first Monday in any month, and the persons so elected may continue to act until their successors are elected, so that said act shall not again cease to exist, for the want of holding such elections. Elections.

Sec. 3. *And be it further enacted,* That for the purpose of holding an election, L. S. Banks, James A. Pattison, William A. Rogers, James Blain and R. R. Walden, or a majority of them, be, and they are hereby appointed to conduct and superintend the same, on the first Monday in any month they may appoint and give the proper notice. Superintendents of election.

Approved, March 2d, 1848.

[No. 117.]

AN ACT

To Incorporate the Greenville Female Academy, in the County of Butler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Thomas H. Watts, John K. Henry, Samuel J. Bolling, H. B. Taylor and Reuben Bonner, and their associates and successors in office, are hereby constituted a body corporate, by the name and style of the "Trustees of the Greenville Female Academy," and by that name shall have full power and authority to have and to use a common seal, and the same to break, alter and renew at pleasure, to sue and be sued, plead and be impleaded, in all kinds of actions, either at law or equity, to receive donations, and make purchases of real and personal estate, not to exceed in value twenty thousand dollars, which shall inure to them and their successors in office forever; and to sell, alien and dispose of the same; to grant diplomas, or such other evidences of scholar- Names of trustees
Corporate name.
Powers

ship as they may think proper, and further to pass all such byelaws, rules and regulations as the said corporation may deem expedient, for the good government of said Academy, the same not being repugnant to the constitution and laws of the United States or of this State.

Sec. 2. *And be it further enacted*, That said trustees and their said successors, shall have power to appoint a President, who shall be chosen from among themselves; to appoint such other officers as they may think expedient; to prescribe the duties of each; and appoint such teachers as they may deem necessary.

Sec. 3. *And be it further enacted*, That there shall be held annually, at such time, and in such manner, as may be agreed upon and determined by the said board of trustees and their successors in office, an election for five trustees, who shall hold their offices for one year, and until their successors shall be elected; and at said elections those only shall be entitled to vote that are interested, either by being subscribers, or having contributed, in money or property, to said Female Academy; and all vacancies arising in said body, by death, resignation or otherwise, shall be filled by the remaining trustees, or a majority of them, and the number or numbers, so appointed, shall continue in office until the next succeeding election.

Sec. 4. *And be it further enacted*, That the lands, buildings, or other property of said Female Academy, shall, while used for the purposes of education, be exempt from all taxation whatever.

Approved, Feb. 29, 1848.

[No. 118.]

AN ACT

To authorize the Marshal of the town of Salem, in Russell County, to act as Constable.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, it shall be lawful for the town Marshal, or who may hereafter be elected by the Intendant and Councilmen of the town of Salem, in the county of Russell, to execute warrants or other process, issued by any justice of the peace, in the same manner as constables are in the several counties in this State: *Provided*, that before he shall be authorized as aforesaid, he shall be required to take the oath and execute bond, before the Judge of the County Court, under the same rules and regulations as required of constables: *And provided further*, that said town Marshal shall be subject to all laws and penalties provided for constables in this State.

Approved, February 25, 1848.

Organization of board.

Annual election for trustees.

Property exempt from taxation.

[No. 119.]

AN ACT

To Incorporate the Louisville Academy.

Section 1, *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That M. A. Patterson, John W. Jackson, F. A. McRae, William McCormick and E. M. Heron, trustees of the Male and Female Trustees Academy, near Louisville, in Barbour county and their successors in office, be, and they are hereby declared a body corporate, by the name of the Louisville Academy, with power to hold real Corporate name. and personal estate, and with all other powers incident and proper to the management and direction of an academy for both sexes: *Provided,* this act may at any time be modified or repealed.

Approved, Feb. 18, 1848.

[No. 120.]

AN ACT

To Incorporate the Coosa and Tuscaloosa Rail Way Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That James H. Dearing, James Hogan, Henry A. Snow, Ninian Tannehill, and their present and future associates, are hereby constituted a body corporate, by the name and style of "The Coosa and Tuscaloosa Rail Way Company," for the purpose of building and putting into operation, a Rail Way, extending from the city of Tuscaloosa, to the town of Gadsden, or to such other point on the Coosa river, as may be deemed by said company most advisable: And by that name may sue and be sued; plead Powers. and be impleaded; answer and be answered, in any court of law or equity; and to have and use a common seal; hold real and personal estate, to an extent necessary for the business of said corporation; and do all acts common to similar corporations, and not inconsistent with the constitutions and laws of the United States and of the State of Alabama.

Sec. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed the sum of one million of dollars, and that subscriptions to the same shall be regulated by the said Dearing, Hogan, Snow and Tannehill, and their associates, as to the time, place, when and where said subscription shall be taken, the amount to be paid on subscribing, and as subsequent necessities require, with full power to regulate the whole matter, and to declare forfeitures, under certain rules, when stockholders fail to comply, and to do all other things necessary to secure the punctual payment of the several instalments of stock required, as they become due, so that any regulation thus adopted shall be general, and operate upon all subscribers alike; and also, so that should any stockholder fail to pay in his subscription of stock, according

of the requisitions of said corporation, the same shall have power on giving ten days' notice to such defaulting stockholder, to move for, and obtain judgment, in either the Circuit or County Court of the county of Tuscaloosa, for the amount of subscription for which they may be in default, with five per cent thereon, if said trustees think it advisable to insist on the same, and costs of suit.

Stock divided
into shares.

Sec. 3. *Be it further enacted*, That the capital stock of said corporation shall be divided into shares of twenty-five dollars each, to be assignable and transferable according to such regulations as said corporation may adopt, and the number of votes to which each stockholder may be entitled on all questions arising at business meetings, shall be equal to the number of shares of stock he may hold, each share being entitled to one vote.

When organized
and how.

Sec. 4. *Be it further enacted*, That said company shall be considered as organized, whenever a sufficient amount shall be subscribed, to enable them to proceed to the erection of said road, or any part thereof, when said stockholders shall elect five Trustees to manage the property and concerns of said corporation, one of whom shall be appointed President, by the other Trustees; said Trustees to be chosen annually, at such time and place as the stockholders may determine upon: *Provided*, that the Trustees, for the time being, shall serve until their successors are elected, and they, or a majority of them, shall form a quorum for the transaction of business, and shall have power to make all such bye-laws, and ordinances, as to them may appear needful, touching the management and disposition of the property and effects of said corporation, and the construction of the before mentioned road, and all matters pertaining to the same; and they shall have power to employ all such officers, agents, and servants as they may find necessary.

Divisions of road.

Sec. 5. *Be it further enacted*, That said corporation shall have power to commence the construction of said road in such divisions, and at such points, as may be thought most likely to effect the end of completing said road.

Corporators may
contract for ma-
terial.

Sec. 6. *Be it further enacted*, That said corporation shall be authorized to contract for, and receive conveyances of, lands, timber, stone, or other material necessary to the construction of said road; and should owners thereof and the said corporation not be able to agree as to the value thereof, or the owner thereof be non compos mentis, an infant, or non-resident having no agent in this State, then it shall be lawful for the Trustees of said company to apply to any justice of the peace, for a warrant, directed to the sheriff of the county where such land or other material may be, commanding him to summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, under the same rules and regulations now established by law, in cases of other roads; and the jurors trying said cause shall take the following oath, which the sheriff is authorized to administer: "You, and each of you, do hereby swear (or affirm) that you will well and truly try the case now pending and sub-

mitted to your decision between (A. B.) complainants, and the Coosa and Tuscaloosa Rail Way Company, defendants; and that you will take into consideration the advantages and value which the construction of the rail way may afford the lands or other property, as well as the injury the said lands or other property may sustain by its construction through or near which it may be constructed—so help you God.” Said jury shall forthwith assess the value of said land or other material, subject to the right of appeal to the Circuit Court, by either party, when the trial shall be by a jury *de novo*; and the judgment in said cases shall be, that the said land and other material, inure to said corporation for said purposes, on the payment of the sum determined upon: *Provided*, Proviso. that the progress of the work of constructing said road, shall not be obstructed by said appeal, but on tendering the amount for which said land and other material shall be valued, the said corporation shall proceed with said work.

Sec. 7. *Be it further enacted*, That as the said road is completed in such divisions as the public interests require, the said corporation shall lay and collect such tolls upon persons and property transported upon said road or any part thereof. As road is completed toll may be collected.

Sec. 8. *Be it further enacted*, That said corporation shall be authorized to borrow money to carry into effect the objects of this act, but not to exercise banking privileges. May borrow money.

Sec. 9. *Be it further enacted*, That it shall be lawful for said company, if they find the same expedient for the transportation of the iron and coal of any section of country adjacent to said road, to construct a rail or plank road from any point of said Coosa and Tuscaloosa Rail Way, or the city of Tuscaloosa, to any coal or iron mines, or foundaries laying near the route of the same; subject to the rights and restrictions of this act. May construct branches.

Approved, January 5, 1848.

[No. 121.]

AN ACT

Supplemental to an act entitled “an act to amend an act, to incorporate the Dayton Literary Association,” approved February 14th 1843, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened*, That the said Masonic Institute shall have power, and is hereby authorized to make, have and use a common seal, and the same to break, alter and renew, at their pleasure. May have a seal.

Sec. 2. *And be it further enacted*, That all the provisions of the act to incorporate the Day on Literary Association, inconsistent with this act, or the act to which this is supplemental, be, and the same are hereby repealed. Repeals.

Approved, Feb. 8, 1848.

[No. 122.]

AN ACT

To amend an act entitled "an act to incorporate the town of Greenville, in the county of Butler, and for other purposes," approved February 14th 1848.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the fourth section of said act, as vests the Intendant of said corporation with the powers and jurisdiction of a justice of the peace, be, and the same is hereby repealed.

Restriction of
powers.

Sec. 2. *And be it further enacted,* That the Intendant and councillors of said town of Greenville, shall, in no case, have power to levy and collect a tax of more than twenty per cent on the State tax.

Approved, Feb. 4, 1848.

[No. 123.]

AN ACT

To revive an act, with its amendments, incorporating the town of Girard, in the county of Russell, and to amend the same.

Acts declared in
full force.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the act incorporating the town of Girard, in the county of Russell, approved the tenth day of January, eighteen hundred and forty-four, together with the amendments to the same, approved the second day of February, eighteen hundred and forty-six, and the sixteenth day of January, of the same year, be, and the same are hereby declared to be in full force and effect, except so much of the same as relates to the time prescribed for the election of Intendant and councilmen.

Election.

Sec. 2. *And be it further enacted,* That an election for Intendant and councilmen shall be held by any two justices of the peace, or any three free holders, residents of said town, on the first Monday in April next, and on the first Monday in January, in each and every year thereafter.

If not held on the
day fixed, may be
held afterwards.

Sec. 3. *And be it further enacted,* That, provided an election is not held on the first Monday in April next, as required by the second section of this act, it shall be lawful for any two justices of the peace, or three freeholders, to cause said election for Intendant and councilmen, to be held at any time after the first Monday in April next, as

prescribed for in the second section, after having given ten days notice of said election, by advertisement to be posted up at three or more places in said town: *Provided*, that, after the first election, they shall be held annually, on the first Monday in January in each and every year thereafter.

Proviso.

Sec. 4. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, are hereby repealed.

Approved, March 3, 1848.

[No. 124.]

AN ACT

In relation to the Eufaula Bar Association.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the corporation, created by an act entitled an to incorporate the Eufaula Bar Association, approved February 3rd, 1846, shall be called and known by the appellation of the Eufaula Bar Association, and the time limited for organizing undersaid act is hereby extended and prolonged till terminated by subsequent legislation; and the powers and privileges conferred by said act are also hereby revived and continued for a like time: *Provided*, that said act, as also this act, may at any time be modified or repealed.

Time for organizing extended.

Approved, March 2, 1848.

[No. 125.]

AN ACT

To authorize William Dickson to build a Bridge across Big Bear Creek in Franklin county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That William Dickson, of Franklin county, be, and he is hereby authorized to build a bridge across Big Bear Creek in said county, at, or near where the line dividing sections ten and eleven, in township four, range fifteen crosses the said creek; the said bridge to be on either section ten or section eleven as may be found most suitable and convenient.

Where bridge may be built.

Sec. 2. *And be it further enacted*, That when said Dickson shall have built, at said point, a good and substantial bridge across said creek, he shall be entitled to demand and receive from all persons crossing said bridge, such toll

May charge toll and when.

Proviso.

as he may determine upon, not to exceed, in any instance, the toll now allowed at the ferries above and below where said bridge is authorized to be built: *Provided*, that at all times, whenever the said bridge shall be out of repair, and unsafe for vehicles or horsemen, it shall be lawful, upon proof of that fact, for the commissioners' court of said county, to order that no toll be charged, until it is fully repaired and made safe.

Privileges granted for 50 years.

Sec. 3. *And be it further enacted*, That the privileges hereby granted, shall continue to the said William Dickson, his legal representatives, or assigns, for fifty years from the passage of this act.

Approved, March 4, 1848.

[No. 126.]

AN ACT

To revive and amend an act entitled an act to incorporate the town of Elyton in the county of Jefferson, approved January 9, 1841.

Style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the town of Elyton, in the county of Jefferson, be, and the same is hereby incorporated, under the name and style of the "Intendant and Council of the town of Elyton," and under that name, they shall be liable to sue and be sued, may plead and be impleaded, in all manner of suits, either in law or equity, may have and keep a common seal, and the same to break, alter and amend at pleasure, and in general, to do all acts which are incident to bodies corporate, and to purchase, hold and dispose of for the benefit of said town, real, personal or mixed property, to the amount of six hundred dollars.

Limits.

Sec. 2 *And be it further enacted*, That the limits of said incorporation, shall include the north east quarter of section three, township eighteen and range three, west of the basis meridian.

Election of officers.

Sec. 3. *And be it further enacted*, That there shall be five councilmen elected for said town of Elyton, on the first Monday in May, one thousand eight hundred and forty eight, which election shall be conducted by Wm. S. Earnest, Joab Bagley, James Wilcox, J. Hickman and J. Camp, any two of whom shall have power to act, and shall give certificates of election to the five persons who may receive the highest number of votes, the polls of said election shall be opened at eleven o'clock, A. M., and closed at three

o'clock, P. M., of said day : *Provided*, that said managers ^{Proviso.} shall be qualified by some justice of the peace to conduct said election, according to law.

Sec. 4. *And be it further enacted*, That all subsequent ^{Subsequent elections.} elections in said town, shall be conducted by any two of the councilmen to be appointed by the board for that purpose, and if from any cause, said election shall not take place on the day set apart for holding the same, the board may appoint some other day not exceeding sixty days from said first Monday in May in each and every year.

Sec. 5. *And be it further enacted*, That all free white ^{Qualifications of voters.} male persons of the age of twenty-one years, who have been resident citizens of said town, for two months preceding said election, or any person who may own real estate in said town, shall be deemed qualified voters, at any of said elections.

Sec. 6. *And be it further enacted*, That within five ^{Organization of board.} days after said election is holden, the councilmen elect shall convene at some suitable place in said town, and take and subscribe an oath before some person authorized to administer the same, that they will faithfully discharge the duties to them committed, without favor, affection, or partiality; a certificate of which oath shall be filed with the clerk of the board of councilmen.

Sec. 7. *And be it further enacted*, That when said ^{Election of Intendant.} councilmen are qualified as declared in the sixth section of this act, they shall proceed forthwith to elect by a majority of votes, from their own body, and Intendant, whose duty it shall be to preserve and keep order at all meetings of their board, and in his absence or incapacity, any member may be called to the chair. The said intendant shall approve all ordinances that may be passed by the board, and shall be *ex-officio* justice of the peace for all purposes connected with said corporation and the enforcement of its laws; and shall see that all ordinances are enforced, and shall be entitled to receive for his services double the fees allowed to justices of the peace for Jefferson county.

Sec. 8. *And be it further enacted*, That in all breach- ^{Breach of by laws} es of the by-laws of said corporation, when the same shall be a violation of the criminal laws of this State, it shall be the duty of said intendant to bind over said offender or offenders to appear at the next circuit court for said county to answer to said charge.

Sec. 9. *And be it further enacted*, That said board shall be authorized to elect or appoint a clerk, treasurer, mar- ^{Clerk, treasurer and marshal.} shal and such other officers for said town, as they may deem proper for the good government of the same, and shall affix their duties and compensation; which officers

shall be removeable at the pleasure of the board for neglect of duty or malpractice in office, and said board may require such bonds from their respective officers as they may deem proper for the faithful performance of their several duties.

Board may levy
and collect tax.

Sec 10. *And be it further enacted*, That said board shall be authorized to levy and collect a tax not exceeding one per cent on the property taxed, the poll tax shall in no case exceed seventy-five cents, and no property shall be taxed except such as is taxed by the State or county of Jefferson, and no tax after a levy is made shall be increased except by a vote of the legal voters of said corporation, which shall be determined by an election on giving ten days notice thereof.

Streets, alleys
and springs.

Sec. 11. *And be it further enacted*, That said councilmen or board shall have exclusive control over the public streets, alleys and public springs, the wells and public works belonging to said corporation; they shall have power to enact patrol laws, and to have them enforced, to quell riots and disturbances, suppress indecent and disorderly conduct, to prevent and remove nuisances, to punish offenders against the by-laws by a fine not exceeding ten dollars, and imprisonment at their discretion, not exceeding twenty-four hours, and to pass all such ordinances as may be necessary to carry into effect any of the foregoing grants or powers, and all other such ordinances that may tend to promote the peace, harmony, and good order and health of the citizens of said corporation: *Provided*, that none of said ordinances of said corporation shall conflict with the constitution or laws of this State.

Collection of fines

Sec 12. *And be it further enacted*, That when any offender shall be fined and shall refuse or neglect to pay said fine, he shall be proceeded against by execution; which execution shall have the same force and effect as if issued by a justice of the peace of the county upon civil judgment, and should said offender be unable to pay said fine he may be imprisoned in the county jail not exceeding forty-eight hours.

Vacancies.

Sec. 13. *And be it further enacted*, That the said board shall have power to fill all vacancies which may occur in their body by death, resignation or otherwise, until the next annual election, and any member of said board may preside as intendant *pro tem* in absence of the intendant proper; and a majority of said board shall constitute a quorum to transact business.

Meetings once a
month.

Sec. 14. *And be it further enacted*, That the said board shall hold their meetings once a month or oftener if necessary, any two members of which may compel the at-

tendance of the absent members, assess fines for contempt or negligence on part of any one of their body, which fine shall in no case exceed the sum of five dollars: *Provided*, the whole board shall be present when any member is to be tried, and if the board be equally divided the defaulting member not be fined.

Sec. 15. *And be it further enacted*, That the intendant and councilmen of the said town of Elyton, shall be exempt from working on the streets or alleys of said town during their continuance in office. Exemption.

Sec. 16. *And be it further enacted*, That all persons in said town of Elyton liable to work on roads shall not be required to work on the roads, beyond the limits of said town, but the marshal of said town shall keep the streets and alleys within said town in the same order and repair, as the road laws of this State require the public roads to be kept, and for any neglect or failure on his part to do so, he shall be liable to be indicted and punished as defaulting overseers of said roads: *Provided*, that no person in said town shall be required to work on the streets and alleys more than ten days in any one year. Working on roads and streets.

Sec. 17. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed. Repeals.

Approved, March 3, 1848.

[No. 127.]

AN ACT

To incorporate the town of Tuskegee, in Macon county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the town of Tuskegee, in the county of Macon, be, and the same is hereby incorporated; and the corporate limits of said town shall embrace an area of land two and a half miles square, the marginal lines of which shall be equi-distant east, west, north and south from the centre of the present Court House of said county. Incorporation & limits.

Sec. 2. *And be it further enacted*, That an election shall be held at the Court House door, in said town, on the first Monday in March, 1848, and on the same day in every succeeding year, to commence at 12 o'clock, M. and close at 4 o'clock, P. M., for the purpose of electing an Intendant and four Councilmen, inhabitants of said town, who shall serve for the term of one year, and until their successors are duly elected and qualified; which election Election for Intendant and four Councilmen.

By whom held.

Duties of Intendant.

Corporate name and style.

Powers.

Powers defined.

shall be held by some justice of the peace and two freeholders of said town, and all subsequent elections shall be conducted and held by the Intendant and any two Councilmen, and in the absence of the Intendant, by a majority of the Councilmen, or by any three discreet householders of said town whom they may appoint for that purpose: And it shall be the duty of said Intendant to preside at all the meetings of the Councilmen, and preserve order and decorum; and in his absence or incapacity, any Councilman may be called to the chair. And the said Intendant and Councilmen shall be, and they are hereby declared and constituted, a body politic and corporate, by the name and style of the Intendant and Council of the town of Tuskegee; and by that name, they, and their successors in office, shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of suits, either in law or equity; and they shall have full power and authority to keep a common seal, and the same to break, alter and amend at pleasure, and, in general to do and perform all acts which are usually incident to the powers granted to bodies corporate; to purchase, hold, use and dispose of, for the benefit of said town, real, personal or mixed property, to the value of five thousand dollars, and no higher amount.

Sec. 3. *And be it further enacted*, That the said corporation shall have power to pass all by-laws and ordinances necessary to carry into effect the general powers granted by this act, and also such as may be necessary to preserve the health of said town; to prevent and remove nuisances; to suppress gaming of any description; to prevent and punish breaches of the peace; to establish night watches and patrols, and punish for neglect of patrol duty; to establish, alter and ascertain new streets and alleys, with the consent of proprietors of lots on which they pass; to provide for licensing, taxing and restraining theatrical amusements, and shows or exhibitions of any description, in said town; to clear, remove obstructions from, and keep in repair, the streets and alleys of said town; to have a general superintendence and control over the springs and wells of said town; to erect and regulate markets, and to protect and preserve the public buildings and property in said town. And the said corporation shall have full power and authority to alter, amend, repeal, or revoke, at pleasure, all by-laws, and to put in execution all such as may be in force. The said corporation shall have power to appoint a Treasurer and a Marshal, and such other subordinate officers as they may think necessary; said officers to be paid for their services alone out of the money arising

from fines, and to be punished themselves for neglect of duty, by the imposition of such fines, not exceeding fifty dollars, as the said Intendant and Councilmen may deem necessary; and the said corporation are hereby empowered to lay and adjudge, and collect, by execution, or other legal process, such fine or fines, not exceeding twenty dollars, for a breach or breaches of their by-laws, as they may deem proper: *Provided, always*, that in all cases when they impose a fine greater than five dollars, an appeal shall lie from their decision to the Circuit Court of Macon county, on the appellant giving bond and security, payable to the said corporation, in double the amount of the fine assessed, conditioned to be void on the payment of the cost and such judgment as the said Circuit Court may award, in case said appeal is decided against said appellant; and all fines imposed and collected by said corporation shall be paid to the treasurer, for the benefit of said town.

Sec. 4. *And be it further enacted*, That when any vacancy, or vacancies, shall happen in the board of Intendant and Councilmen, by death, resignation, or otherwise, such vacancy, or vacancies, shall be filled by the board; and the member or members so added shall continue in office until the succeeding annual election; and if there should be a failure to hold the annual election for Intendant and Councilmen, on the day mentioned in this act, for that purpose, it shall be lawful to hold said election at any time within one month thereafter; and the board of Intendant and Councilmen, anterior to any such election, shall not be dissolved until such election shall be held, and the Intendant and Councilmen duly qualified; and should said Intendant and Councilmen neglect to hold an election for their successors in office, as hereinbefore provided, then an election may be held in the manner prescribed by the second section of this act, to elect an Intendant and Councilmen in the first instance. Vacancies.

Sec. 5. *And be it further enacted*. That said Intendant and Councilmen shall appoint one of their own body a Clerk, whose duty it shall be to keep a fair record of their proceedings, and to publish all the by-laws and ordinances in the Macon Republican, or at three several public places in said town—that said records shall be open at all times to the qualified voters in said corporate limits; and said Clerk shall be required to make a full annual return of all moneys collected and disbursed by the said corporation. Clerk to be appointed and record to be kept.

Sec. 6. *And be it further enacted*, That the Intendant, Councilmen and Marshal shall, severally, before they enter on the discharge of their duties, subscribe and take the following oath, (to wit:) I, "A. B.," as the case may be, In- Officers to take oath.

tendant, Councilmen or Marshal, do solemnly swear or affirm that I will, to the best of my skill and ability, discharge all the duties incumbent on me—So help me God. A certificate of which oath shall be filed with the records of the board.

Qualification of voters.

Sec. 7. *And be it further enacted*, That all male white persons, of twenty-one years of age and upwards, who shall have resided within the limits of said corporation six months immediately preceding an election for Intendant and Councilmen, and all freeholders therein, shall be qualified voters.

Int. & Coun. ex-officio justices of the peace.

Sec. 8. *And be it further enacted*, That the Intendant and each Councilman for said town, shall be ex officio justices of the peace, during the time they may continue in office, within the limits of said town, for the purpose of carrying into effect the by-laws and ordinances of said corporation.

Liability to work on streets

Sec. 9. *And be it further enacted*, That all persons residing within said corporate limits, liable to do road duty, shall be liable, and are hereby required to work on the streets, roads and alleys within the corporate limits of said town, not exceeding ten days in any one year: *Provided*, every such person, or persons, shall be exempt from working on the streets, roads and alleys of said town, by paying such street tax as the corporate authority may impose, not exceeding five dollars per annum.

Proviso.

Exemptions.

Sec. 10. *And be it further enacted*, That all persons residing within said corporate limits shall be wholly exempt from road duty without said limits; and all persons exempt from patrol duty by the existing laws of the State, residing within the said corporate limits, shall, also, be exempt from the same duty within said corporate limits.

Persons convicted of offences.

Sec. 11. *And be it further enacted*, That in all cases when any person, or persons, shall be convicted of offences against the laws, by-laws, and ordinances of said town, and such person, or persons, shall fail or refuse to pay, or secure to be paid, the fine or fines imposed, it shall be lawful for a majority of the board of Intendant and Councilmen to commit such person, or persons, to the jail of said county for any period, not exceeding forty-eight hours, unless such fine and costs be sooner paid; and the jailor of said county is hereby required to receive and keep such person, or persons, in the jail of said county until the term of such imprisonment shall expire, or until he receive a certificate of the payment of the fine and costs from the Intendant, or one of the Councilmen: *Provided*, the corporation shall pay the jail fees in all cases when they cannot

be collected of the offender; which jail fees shall be the same as now collected by law for white persons.

Sec. 12. *And be it further enacted*, That it shall not be lawful for any person, or persons, to retail or sell, in any quantity, within the said corporate limits, any intoxicating liquor, fermented or distilled, without first procuring a license so to do, from the Intendant and Councilmen, for which they shall not charge less than one thousand dollars nor more than two thousand dollars; and should any person, or persons, violate the provisions of this section, in letter or spirit, it shall be lawful for the Intendant and Councilmen, and they are hereby authorized and empowered, to sue such person, or persons, in an action of debt, in the Circuit Court of Macon county, and upon sufficient proof of the violation of the provisions of this section, to recover of such person, or persons, the sum of two thousand dollars, which, if recovered, shall go to the use of the said corporation; and should the Intendant and Councilmen fail to bring suit within six months after such cause of action arises, then, and in that event, any qualified voter in said corporate limits, may sue such person, or persons, in the name of said corporation, for his own use, in the said Circuit Court of Macon county, and upon sufficient proof, as aforesaid, shall recover the aforesaid sum of two thousand dollars,—one half to go to said corporation, the other half to the person suing: *Provided*, that the said Intendant and Councilmen may grant a license free of charge to any druggist or physician to sell spirituous liquors and wines for medicinal and sacramental purposes.

Retailing spirituous liquors prohibited.

Sec. 13. *And be it further enacted*, That all laws, or parts of laws, contravening the provisions of this act, be, and they are hereby repealed.

Approved, January 14, 1848.

[No. 128.]

AN ACT

To alter and amend an act, approved January 25th, 1845, entitled "an act to incorporate the Coosa Manufacturing Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That from and after the approval of this act, the stockholders of said company may elect such number of Trustees for the management of the business of said Corporation, as they may deem necessary for the interests of said company.

Set. 2. Be it further enacted, That all laws or parts of laws, contravening the provisions of this act, are hereby repealed.

Approved, Feb. 21, 1848.

[No. 129.]

AN ACT

To repeal an act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an act to incorporate the town of Jefferson, in the county of Cherokee, approved December the 23d, 1837, be, and the same is hereby repealed.

Approved, Feb. 25, 1848.

[No. 130.]

AN ACT

To amend the charter of the Firemen's Insurance Company of the City of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That the Firemen's Insurance Company of the City of Mobile, be, and is hereby authorized to lend its surplus funds in any of the public stocks of the State of Alabama, or of the United States; or to invest the same in any real or personal securities; any thing to the contrary notwithstanding: *Provided,* that this shall not authorize said company to invest any of its funds in any of the stocks of Alabama created for the purpose of raising capital for any of the Banks of the State.

Sec. 2. *And be it further enacted,* That this act shall not be so construed as to enable said company to issue for circulation any notes, or bills in the nature of bank bills, or to issue any paper to be used as money.

Approved, Feb. 11, 1848.

[No. 131.]

AN ACT

To Incorporate the Salem Male and Female Academies, at Salem, in the county of Russell.

Representatives of the State of Alabama, in General Assembly convened, That the Male and Female Academies at Salem, in the county of Russell, are hereby incorporated; and that B. D. Harris, James W. Hunter, D. W. Floyd, Jamison Scarfe, N. W. Persons, Isaac Adair, William Billow, Arthur Mangham, Isaac Ardis, William Logan, John D. Adair, Joseph H. Williams, William Davis, Thomas Colquit, John C. Ardis, Daniel Huff and H. M. Crowder, their associates and successors in office, be, and they are hereby declared to be a body politic and corporate, by the name and style of the "Trustees of the Salem Male and Female Academies;" and as such shall be capable and liable in law, to sue and be sued, to plead and be impleaded, and shall be authorized to make such laws and regulations as shall be necessary for the government of said Academies: *Provided*, that such by-laws are not repugnant to the constitution and laws of this State; and for that purpose, may have and use a common seal, and appoint such officers and teachers as they may think proper, and remove the same from office for improper conduct, or neglect of duty.

Corporators.

Name and style.

Powers.

Sec. 2. And be it further enacted, That the said body corporate may buy, sell or dispose of all manner of property, real, mixed or personal; and may also, receive all donations, gifts, grants, privileges and immunities whatsoever, which may be transferred to them or their successors for the use and benefit of said Male and Female Academies, free from taxation: *Provided*, the same shall not exceed in value ten thousand dollars.

May buy and sell property.

Sec. 3. And be it further enacted, That all property, real, personal and mixed, heretofore set apart in the town of Salem, for the use of schools, be, and the same is hereby vested in the corporate body, created by this act, five members of which shall constitute a quorum, a majority of whom may decide any question which legitimately comes before the body.

Property vested.

Sec. 4. And be it further enacted, That when a vacancy may occur by death, resignation or otherwise, of any of the Trustees of said Academies, the survivors or the residue of said Trustees shall fill the same, in such manner as shall be pointed out by the by-laws and regulations of the said corporation.

Vacancies.

Sec. 5. And be it further enacted, That all property owned by said Trustees, in their aforesaid corporate capacity, shall be vested with said body corporate in perpetuity, for the use of said Academies.

Property vested in perpetuity.

Approved, March 3, 1848.

[No. 132.]

AN ACT

To Incorporate Easta Boga Academy, in the county of Talladega.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That an Academy is hereby incorporated at Easta Boga, in Talladega county, and that Daniel Jackson, J. C. Groce, Daniel Rather, U. H. Dobbins and Alexander Harris, and their successors, be, and they are hereby declared a body corporate, by the name of Easta Boga Academy; and as such, shall be capable and liable in law and equity, to sue and be sued, plead and be impleaded, and they shall be authorized to make such bye-laws necessary for their government, as are not inconsistent with the laws of this State; they may keep a common seal, and the same alter or break at pleasure.

Sec. 2. *Be it further enacted,* That the said body corporate may buy, sell, or dispose of all manner of property, and may also receive all donations, gifts, grants, privileges and immunities whatsoever, which may be transferred to them, or their successors, for the use and benefit of said company.

Sec 3. *Be it further enacted,* That when a vacancy may occur in any of the offices of said corporate body, the Trustees, or the residue of them, shall fill the same by appointment or in such manner as shall be pointed out by the regulations and bye laws of said corporation.

Approved, Mreh 4, 1848.

[No. 133.]

AN ACT.

To incorporate the Rockdale Academy, in the county of Randolph.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That George W. White, George Quadlebum, Jephtha V. Smith, Archibald Sawyer and Francis Perryman be, and they are hereby appointed a body corporate, under the name and style of the Trustees of the Rockdale Academy.

Sec. 2. *And be it further enacted.* That the said Trustees shall appoint one of their own body to preside as President; shall have power to fill vacancies that may oc-

cur, in the Trusteeship, by death, resignation, or otherwise, and shall have authority to make all such by-laws, for the regulation and government of said academy, as they, or a majority of them may deem necessary; and to alter and amend the same at pleasure: *Provided*, such by-laws are Proviso. not repugnant to the constitution and laws of this State, or of the United States; and said Trustees shall have authority to employ a suitable teacher or teachers, and make all such contracts as may be necessary to carry said academy into complete operation.

Sec. 3. *And be it further enacted*, That the said cor- Corporate ability poration, by its corporate name, shall be capable in law of suing and being sued, of pleading and being impleaded, of holding and owning property, both real and personal, to any amount not exceeding three thousand dollars, of selling and conveying the same; and shall have and enjoy all such privileges and powers as are necessary to give full and complete effect to this act.

Approved, March 1, 1848.

[No. 134.]

AN ACT

To incorporate the Marine Dock and Railway Company of Mobile.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be established in the city of Mobile a company, for the purpose of transacting the business of repairing ships, steam boats, and all other vessels known as water craft; which company shall be called and known as Corporate name and style. the Marine Dock and Railway Company of Mobile; and all such persons as may be stockholders of the said company, and their successors, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also, they and their successors, by the name, style and title of the Marine Dock and Railway Company of Mobile, shall be, in law, capable of purchasing, holding and conveying all kinds of estate whatever, real or personal, for the use of said corporation, subject to the restrictions hereinafter mentioned.

Capital stock.

Sec. 2. And be it further enacted, That the capital stock of the said corporation shall not exceed one hundred thousand dollars, divided into one thousand shares, of one hundred dollars each; of which twenty dollars on each share of stock which shall have been subscribed shall be paid at the time of subscribing for the same, and the remainder by such instalments as the directors of the said company may appoint: *Provided, however,* that the first board of directors, to be chosen as hereinafter directed, shall, within one month after their appointment, take good and satisfactory security to the said company for all the unpaid instalments of stock which shall have been subscribed; and it shall be lawful for the president and directors, or a majority of them, to alter and change the securities, to be taken as aforesaid, from time to time, for other securities of the same nature, as they may deem expedient.

Proviso.

Subscription
shares.

or

Sec. 3. And be it further enacted, That subscriptions shall be opened for the said shares on the first Monday in April next, in the city of Mobile, under the superintendence of James F. McBride, Henry O. Brewer, Charles W. Gazzam, William DeForest Holly, Thomas Adams, Henderson Kinney, Archibald Gordon, Daniel Walker, Charles A. Gilbert, and Frank M. Johnson, or any three of them; which said subscription shall continue open until the sum of twenty thousand dollars shall have been subscribed.

Directors

Sec. 4. And be it further enacted, That there shall be chosen seven directors, who shall hold their office for one year, and until their successors shall be duly qualified; and after the first election of directors, there shall be elected seven directors annually, at an election to be holden at the office of said company, to commence on the first Tuesday of February, and continue from day to day until completed, under the superintendence of the old board, or a committee of the same by them appointed; said election to be holden by the stockholders, and each share of the stock entitling the holder or holders thereof to one vote: *Provided, however,* that no share or shares shall entitle the holder or holders to vote at any election, unless the same shall have been held bona fide by him, her or them, at least fifteen days next immediately before such election: *And provided, also,* that if no election shall have been held on the first Tuesday of February, it shall be held on such day thereafter as the president may appoint, and in the manner aforesaid.

Sec. 5. And be it further enacted, That the directors of the said company, in the first instance, shall be chosen in the following manner, viz: As soon as the whole capi-

tal stock shall be subscribed, the said James F. McBride, Henry O. Brewer, Charles W. Gazzam, William DeForest Holly, Thomas Adams, Henderson Kinney, Archibald W. Gordon, Daniel Walker, Charles A. Gilbert, and Frank M. Johnson, before named, or a majority of them, shall appoint a place within the city of Mobile, for proceeding to the election of said seven directors, and shall give at least seven days notice of the same, in a newspaper printed in the said city; and it shall be lawful for the said election to be then and there holden by the subscribing stockholders, by ballot, either in person or by proxy, under the before mentioned persons, or a majority of them, or a committee by them appointed; and the persons then and there chosen shall be directors of the said company until the first Tuesday in February then next ensuing, and until their successors shall be elected and qualified. Each board of directors shall meet as soon as convenient after their election, and choose out of their own body a President, who shall serve until another board, by election, is qualified; and in case of a vacancy of president, or of any director, the same shall be filled by the vote and choice of the board.

How 1st director
to be chosen.

Sec. 6. *And be it further enacted*, That the directors, a majority of whom shall constitute a quorum for the transaction of the business of the said company, shall have power to make, prescribe and alter such by-laws, rules and regulations as to them shall appear needful and proper for the management and disposition of the stock, property, estate, and effects of the said Company: *Provided*, the said laws, rules or regulations shall not be repugnant to the Constitution and laws of this State.

Powers of Directors.

Sec. 7. *And be it further enacted*, That there shall be two general stated meetings of the directors in every year, at which time they shall examine the accounts of the said company and its officers, and make a dividend of such of the gains as a majority of the board may deem proper and advisable.

Stated meetings.

Sec. 8. *And be it further enacted*, That the lands, tenements and hereditaments, goods and chattels, docks and vessels, boats and wharves, cars and railways, screws and levers, and machinery which it shall be lawful for the said corporation to hold, shall be such as may be requisite for its accommodations in its business, and such as may be bona fide mortgaged to said corporation by way of security, and which may be conveyed to it in discharge of debts due to said corporation, and which may be bought at sales on judgments, or decrees in favor of said corporation: *Provided*, that the said corporation shall not hold lands, tenements, hereditaments, or goods and chattels,

Machinery, &c.
of corporation.

Proviso.

other than those which may be necessary for the accommodation of said corporation, longer than until they can conveniently dispose of the said lands, which shall in no event exceed five years.

Taxes.

Sec. 9. *And be it further enacted*, That no tax shall be levied on the stock or gains of the said corporation higher than is now, or hereafter may be, levied on the stock or gains of similar institutions of the State.

Contracts.

Sec. 10. *And be it further enacted*, That all contracts for the payment of money by the said corporation, shall be under the seal of the same, and shall be taken to operate as specialties at law.

Term of charter.

Sec. 11. *And be it further enacted*, That this act shall continue to be in force for and during thirty years from the day on which it may be approved by the Governor of the State of Alabama: *Provided*, that if any tax, which may be levied in manner aforesaid, be refused to be paid, the said corporation shall forfeit its charter; and each director who may have voted for such refusal shall be individually responsible for the same.

Proviso.

Comp. may build vessels, &c.

Sec. 12. *And be it further enacted*, That the said company, by its officers, agents or operatives, shall have power to build vessels and steam boats, and also, to make all manner of repairs, alterations and improvements to all kinds of ships, steam boats, or other water craft, their machinery, hulls, tackle and apparel, with or without special contract, and for fair compensation from the owners or agents of the said craft. And the said company, by its board of directors, shall have power to appoint such officers and operatives, as the said board shall deem requisite and necessary for the transaction of the business of the said company—fix the rate of compensation for the same, and the same to change or displace at pleasure.

Prohibited from banking.

Sec. 13. *And be it further enacted*, That the said corporation shall have no power to, and is hereby forever prohibited from, making or issuing any printed, engraved, or stamped bills, notes or drafts, intended to circulate as money.

Approved. Feb. 11, 1848.

[No. 135.]

AN ACT

To Incorporate the Alabama Manufacturing Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*,

That Wilson Nesbitt and his associates and their successors are hereby made and created a body politic and corporate in law, by the name of the "Alabama Manufacturing company" for the purposes of manufacturing, printing dyeing and finishing all good of which cotton other fibrous articles form a part, as well as all machinery used for such purposes, and may also erect furnaces, forges and rolling mills for the purpose of manufacturing iron in all its various branches; and may erect such mills and other works as may be required to carry on such branches of manufacture; and shall have power to raise by subscription in shares of five dollars each a capital stock of two hundred thousand dollars.

Corporati'n name

Purposes.

Sec. 2. *And be it further enacted*, That the said corporation may purchase and hold lands and chattels, and such real estate as may be necessary for the purposes of said corporation, or as it may receive in payment of debts, and may dispose of the same; may sue and be sued, plead and be impleaded in all courts of law and equity by their corporate name, may have and use a common seal, and make such by-laws for their regulation and government as they may deem proper: *Provided* they be not inconsistent with the constitution and laws of this State or of the United States.

Corporation powers.

Sec. 3. *Be it further enacted*, That the said corporation shall not go into operation until twenty five thousand dollars of the capital stock shall be paid in, in gold and silver, or in real estate or negroes at their cash value, or in the current bank notes of this State; and an oath or affirmation shall be made by the President, Treasurer, and a majority of Directors, which shall be recorded in the office of the clerk of the county court or counties in which the establishment or establishments are erected, and published in at least one newspaper as near the establishment as circumstances will admit, and in one newspaper in the city of Montgomery; and this shall be repeated after the city payment of each instalment until the whole capital is paid in.

Capital stock.

Sec. 4. *Be it further enacted*, That the members of this corporation shall be liable severally for the debts of this corporation only to the amount of the stock they hold in said company until the whole amount of the capital stock authorized to be subscribed for as aforesaid shall have been actually paid in; and no note or obligation given by any stockholder whether secured by a pledge of the stock in said corporation or otherwise, shall be considered as payment of any part of the capital stock until such notes or obligations shall have been actually paid.

Liability of members.

Capital stock con- sidered personal property.

Section 5. *Be it further enacted,* That the capital stock shall be considered personal property, and be transferred on the books of said corporation, but no part of the said capital stock shall at any time or upon any pretence whatever be loaned to, or divided among the stock holders, neither shall the capital be drawn or divided among the stockholders, until all the liabilities of the company are paid and no dividend shall be declared, except from the nett earnings of the company. Each stockholder shall have one vote for each share he may own or represent at the election of Directors, and all meetings of the company.

Forfeited shares. **Now disposed of** **Sec. 6.** *And be it further enacted,* That if the proprietor of any share shall neglect to pay any instalment assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the treasurer of the company, by the order of the Directors may sell at public auction a sufficient number of the delinquent's shares to pay all instalments due from him, with all the necessary incidental charges. The treasurer shall give notice of the time and place of sale, and of the sum due on each share, by advertising the same three weeks successively before the sale in some newspaper in the vicinity of the establishment, and a bill of sale of the share so sold made by the treasurer shall transfer said stock to the purchaser who shall be entitled to a certificate thereof.

W. Nesbit may open books for subscription.

Sec. 7. *Be it further enacted,* That Wilson Nesbitt and whomsoever he may authorize may open books and take subscriptions for the capital stock as they may deem expedient; and whenever such subscriptions shall amount to twenty-five thousand dollars, the stockholders having two weeks previous notice in writing or in a public newspaper printed in the vicinity, may meet and proceed to elect such Directors and officers as they may deem necessary for conducting the affairs of the company, such officers to hold their offices until their successors shall be elected, and such directors or their successors shall have power to dispose of any remainder of stock, which may not have been subscribed for, in such manner and at such times as they may deem fit.

Annual reports.

Sec. 8. *And be it further enacted,* That the directors shall submit to the stockholders annually a written statement under oath or affirmation of the treasurer of the corporation, setting forth the amount of capital stock paid in, and general assets of the company, and also the amount of their existing debts; which statement shall be published in a newspaper located nearest the manufactory.

Sec. 9. *And be it further enacted,* That the service of the process of any court of this State shall be legal and

valid, on said body corporate, if the same shall be left at the manufactory: *Provided*, the President of the company is absent from and beyond the limits of the county where the said manufactory is located. That this act shall continue in force twenty years, and that no part of the capital stock, or any of the funds of said corporation shall at any time during the continuance of this charter be used or employed directly or indirectly for any purpose whatever inconsistent with the laws of this State or the United States. That the total amount of the debts which the said corporation shall at any time owe shall not exceed the amount of its capital stock actually paid in, and in case of excess, the directors under whose administration it shall happen shall be jointly and severally liable for the same in their individual capacities, such of said directors as may have been absent when the said excess was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact to the stock holders at a general meeting which they shall have power to call for that purpose.

Service of process

Period of charter
20 years.

Approved, March 2, 1848.

[No. 136.]

AN ACT

To incorporate the "Montgomery Manufacturing Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That John Gindrat, Philip H. Raiford and Joseph S. Winter, their associates and successors, be, and they are hereby, declared and constituted a body corporate under the name and style of the "Montgomery Manufacturing Company;" and by that name they shall be liable to be sued and to sue, plead and be impleaded, in all manner of suits, both in law and equity, may have, keep, and use a common seal, and the same break, alter or amend at pleasure; and in short, shall have power to do all acts incident to bodies corporate; and may purchase, hold, and dispose of, for the benefit of the company, property, real, personal or mixed, to such extent as they may deem necessary for the interest of said company and the successful prosecution of their business.

Names of corpor-
raters.Corporate name
and style.

Powers.

Sec. 2. *And be it further enacted, by the authority aforesaid*, That the capital stock of said company shall not exceed fifty thousand dollars, and shall be divided into

Capital stock
\$50,000.

shares of one hundred dollars each. That the stock shall be held and considered personal property, and shall be transferred only in such manner as may be fixed upon by said company; and that no stock holder, shall, in any event, be liable for the obligations of the company beyond his stock.

Charter for 30 yrs Sec. 3. *And be it further enacted.* That the provisions of this act shall remain in force for thirty years, and no longer.

Approved, March 4, 1848.

[No. 137.]

AN ACT

To Incorporate the Union Springs Branch Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.*

Names of Com'rs That Albert G. Wray, James Blackman, Wildridge C. Thompson, Daniel Cole, Jobe Thompson, J. B. Coleman, M. M. Ely, W. H. Waugh, James Larkin and Lewis Stoutennire, be, and they are hereby appointed Commissioners, any five of whom shall be competent to act, and do all business necessary to be done, by virtue of this act of incorporation, and under the direction of a majority of whom, subscriptions may be received to the capital stock of the Union Springs Branch Rail Road Company, and they shall cause books to be opened in the town of Union Springs, and at such other places as they may think proper, for the purpose of receiving subscriptions, from time to time, to the capital stock of said company, until the sum of fifty thousand dollars shall be subscribed, and shall give such public notice, not less than twenty days, of the time and place of the opening of said books, as they may think proper.

Subscription to capital stock.

Sec. 2. *And be it further enacted,* That the capital stock of said branch rail road shall not exceed one hundred and fifty thousand dollars, in shares of one hundred dollars each, and so soon as fifty thousand dollars shall be subscribed, the subscribers of said stock, their successors and assigns, shall be, and they are hereby declared to be incorporated into a company, by the name of the Union Springs Branch Rail Road Company, and by that name, shall be capable in law, of purchasing, holding, leasing, selling and conveying, real, personal and mixed property, so far as shall be necessary for the purposes hereinafter mentioned, and by said corporate name may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of law or equity in this State or elsewhere, to have and to use a common seal, to alter and change the same at pleasure, to pass such by-laws, rules and ordinances for the good government of said corporation as to them may seem proper, and

Am't of capital stock.

Corporate name and powers.

generally to do and exercise all matters and things necessary to carry into full and complete effect, all the objects of this act.

Sec. 3. *And be it further enacted*, That the sums subscribed to said capital stock shall be paid in such instalments, and at such times, as may be deemed most expedient by the President and directors of said company: *Provided*, that not more than one half of the subscription be demanded in any one year from the commencement of the work, nor any payment demanded until at least thirty days public notice shall have been given of such demand, by the President and directors, and if any subscriber shall neglect or fail to pay any instalment of said subscription thus demanded, for the space of thirty days next after said subscription shall become due and payable, said President and directors shall be authorized to sell said stock at auction giving thirty days public notice of such sale, and said stock shall be deemed and considered in law as personal property.

Capital stock to
paid in instalments

Sec. 4. *And be it further enacted*, That as soon as five hundred shares shall have been subscribed, the Commissioners hereby appointed shall call a meeting of the subscribers, at such time and place as they may appoint, and shall give at least fifteen days notice thereof, and at such meeting the said Commissioners shall lay the subscription books before the subscribers, then and there present, and thereupon the said subscribers or a majority of them in value, each share constituting a vote, shall elect five Directors, by ballot, to manage the affairs of said company, and the directors thus chosen, shall elect from among themselves, a President of said company, and may allow him such compensation for his services as they may think just and proper, and in said election, and on all other occasions wherein a vote of the said stockholders shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her: *Provided*, that any stockholder may, and they are hereby authorized to appear and vote by proxy—the Commissioners aforesaid or any three of them, shall be judges of the election of the first directors.

When Commissioners may call a meeting.

Sec. 5. *And be it further enacted*, That the President and directors of said company shall be chosen annually, on the first Monday in June, at the Union Springs, by the stockholders of said company, and if any vacancy shall occur, by death, resignation or otherwise, of any President or director, before the year for which they were elected shall expire, a person or persons shall be chosen to fill such vacancy for the residue of the year, by said President and directors, or a majority of them, and the President and directors shall hold and exercise their office until their successors are chosen and qualified, and all elections which are by this act or the laws of said company, to be made on a certain day or at a particular time, if not made on such day, or at such time, may be made at any time within thirty days thereafter.

Annual election of
Pres't & directors

Sec. 6. *And be it further enacted*, That the President and directors of said company, before they shall act as such, shall swear

hath.

or affirm, as the case may be, that they will severally discharge their official duties to the best of their skill and ability.

Shall make annual report.

Sec. 7. *And be it further enacted*, That at the regular annual meeting of the Stockholders of said company, it shall be the duty of the said President and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company, for the information of the stockholders, make and declare such dividends as they may deem proper, of the nett profits arising from the resources of said company, after deducting the current expenses, and they shall divide the same among the proprietors of the stock of said company, in proportion to their respective shares.

May call meetings.

Sec. 8. *And be it further enacted*, That the said President and directors, shall have the power to call meetings of the stockholders at any time, stating in the call, the business intended to be done, and none other shall be transacted at such called meeting; a majority of stockholders, in value, either in person or by proxy, shall be necessary to transact business, and at such called meeting, a majority of the stockholders, in value, shall have power to remove any President or director, for cause, and appoint others in their stead.

May appoint officers.

Sec. 9. *And be it further enacted*, That the said President and directors or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary for the transaction of the business of said company, and may remove any of them at their pleasure; and a majority of them shall have power to determine by contract, the compensation for all engineers, officers, and servants in the employ of said company; and to determine by the bye-laws the manner and evidence of all transfers of stock in said company, and a majority of said board of directors shall have power to pass all bye-laws which they may deem necessary and proper for exercising all the powers vested in this company hereby incorporated, and for carrying into effect this act: *Provided*, that such bye-laws shall not be contrary to the Constitution of this State, or of the United States.

May borrow money.

Sec. 10. *And be it further enacted*, That the President and directors of said company, or a majority of them, are empowered to borrow money, to carry into effect the objects of this act; to issue certificates or other evidences of each loan, and to pledge the property of the Company for the payment of the same and its interest.

Invested with other powers.

Sec. 11. *And be it further enacted*, That the President and directors shall be, and they are hereby invested with the rights and powers necessary to the construction and repair of a Rail Road, from the town of Union Springs in the county of Macon, to intersect or connect with the Montgomery and West Point Rail Road, at some suitable point between Line creek and Calabee; said point of connexion to be determined upon by the President and directors of said Company; *Provided* the Montgomery and West Point Rail Road Company give their consent for so connecting and intersecting said Road.

Sec. 12. *And be it further enacted,* That said President and directors shall be, and they are hereby authorized to contract for and receive conveyances for land, stone, or gravel, henceforth, which may be required in the construction of said branch Rail Road; and when the owners and company cannot agree, or where the owner is an infant or non compos mentis, then it shall be lawful for said President and directors, or their agent to apply to any Justice of the Peace for a warrant directed to the Sheriff of the county, commanding him to summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, under the same rules and regulations now established by law in cases of other roads; said jury shall forthwith assess the value of said land, stone, gravel, and timber, subject to the right of an appeal to the Circuit Court, by either party who shall think themselves aggrieved, where the trial shall be de novo, by a jury as in other cases, and the land, stone, gravel, and timber, so contracted for or condemned, shall enure to the said company upon the payment of the money to the person contracted with, or into the Court as the case may be; and the whole proceedings shall be entered of record in said Court at the expense of said Company: *Provided,* however, that the said work shall in no wise be delayed on account of the proceedings had as aforesaid, but the said Company on tendering the amount to which the land, stone, gravel, or timber shall have been valued to the owner, or depositing the same in the office of the clerk of said Court, may proceed with the work as though no appeal had been taken.

May make summary contracts for land gravel, &c.

In case of disagreement.

Sec. 13. *And be it further enacted,* That the said President and directors, after having had the tract upon which said branch Rail Road is to run, surveyed and selected, may proceed to let the same to contract: *Provided,* that they give twenty days notice of the time and place of letting the same to contract; and the said road with all the works, improvements, and machinery for transportation used on said road, are hereby vested in said company and their successors.

May let road to contract.

Sec. 14. *And be it further enacted,* That in case any person shall wilfully injure or obstruct in any degree the said road, he shall forfeit and pay to the President and directors of said Company, three times the amount of all damages which they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided for by law for individuals in like cases; and on complaint made to any Magistrate within whose jurisdiction such offence shall be committed, it shall be the duty of such Magistrate to bind over the person or persons offending, with sufficient security for his or their good behaviour for a term not less than one year; and such offenders shall also be subject to indictment, and shall be sentenced at the discretion of the Court, to be imprisoned not less than six, nor more than eighteen months in the common jail of the county.

Penalty for injuring or obstructing road.

Sec. 15. *And be it further enacted.* That after the completion of said Road or any part thereof, the said President and directors

May lay and collect toll.

rectors may lay and collect toll from all persons, property, merchandize, or other commodities transported thereon.

Approved, Feb. 29, 1848.

[No. 138.]

AN ACT

To incorporate the Franconia Female Institute, in the county of Pickens.

Corporators.

Name and style.

No. of Trustees, and how elected.

Organization of board.

Powers.

Ability of corporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That A. J. Hodges, T. Morrow, R. R. Billups, Joseph Cunningham, John D. Sanders, and William Cunningham, elected Trustees by the subscribers of the Franconia Female Institute, and their successors, be, and they are hereby, constituted a body corporate, under the name and style of the "Trustees of the Franconia Female Institute."

Sec. 2. *And be it further enacted,* That said Trustees shall be six in number, and shall be the persons elected as such, and for such time as agreed upon by the subscribers of the said Institute, according to the rules and regulations adopted by the subscribers: *Provided,* that the above named individuals, and their successors, shall always continue in office until other successors shall be duly elected in their stead: *And provided further,* that if, at any time, the subscribers shall neglect, on notice, to fill vacancies for the space of two months, then the trustees, with the concurrence of a majority of their number, may proceed to fill such vacancy.

Sec. 3. *And be it further enacted,* That the trustees shall have power to select from their own number a President, Secretary and Treasurer; define the duties of each, and exact from the treasurer a bond for the faithful performance of his duties; they shall have power to select suitable and competent teachers; fix the terms of tuition, in the Institute; prescribe the course of studies, and grant certificates or diplomas, or such other evidence of scholarship; and further, to pass such by laws, rules and regulations for the corporation and the government of the school, as they may deem proper: *Provided,* the same be not repugnant to the Constitution and laws of this State, or of the United States.

Sec. 4. *And be it further enacted,* That the said corporation, by its corporate name, shall be capable in law of suing and being sued, of pleading and being impleaded, of receiving subscriptions and donations for the use of the

Institute, of taking in trust all moneys which have been or may be subscribed for the use of said Institute, of holding and owning property, both real and personal, to an amount not exceeding twenty thousand dollars, free and exempt from all taxation, so long as the same may be used under the provisions of this act, and of selling and conveying the same, and of making all such contracts and investments as may be proper to carry out the provisions of this act.

Sec. 5. *And be it further enacted,* That a majority of ^{Quorum.} the trustees shall constitute a quorum for the transaction of all ordinary business; but it shall require the concurren- ^{Elec. of teachers.} ce of a majority of the whole number of trustees to make a choice of teachers, or dispose in any manner of the moneys or property of the corporation beyond the value of one hundred dollars.

Approved, January 28, 1848.

[No. 139.]

AN ACT

To incorporate the Montgomery Mining and Transportation Company.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William Knox, John Henley, H. W. Henry, George Goldthwaite, N. E. Benson, F. Bugbee, A. B. McQuorter, Jack Thorington, and their associates, be, and they are hereby constituted a body corporate, by the name and style of the "Montgomery Mining and Transportation Company," and by that name shall be capable in law to have, purchase, receive, possess, enjoy and retain lands, rents, tenements and hereditaments, goods, chattels and effects of whatever nature, kind or quality, and to sell, grant, alien and dispose of; to sue and be sued, plead and be impleaded, in all manner of suits and actions in law or equity; to have a common seal, and to make and alter the same at pleasure.

Names of corporators.

Name of the Co.

Powers.

Sec. 2. *And be it further enacted,* That the capital stock of the said corporation shall not exceed ten thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock \$10,000.

Sec. 3. *And be it further enacted,* That the affairs of the said company shall be managed and conducted by five directors, who shall be stockholders in said company, and residents of this State; to hold their office for such time as the said company may direct, and to be elected by the stockholders; in which elections, each stockholder shall

Affairs of Co. how managed.

have the number of votes which he may possess: *Provided*, no one stockholder shall be entitled to more than five votes; votes may be given by proxy.

Co may engage
in. &c. *

Sec. 4 *And be it further enacted*, That, the said company may engage in mining and preparing coal, lime, marble, and other productions of the mines and forests in this State, and in the transportation, use, and sale of the same.

Stock when paid.

Sec. 5. *And be it further enacted*, That the stock shall be paid at such times and places as the said stockholders may direct, and for non-payment the same may be recovered by suit, and the mine company may provide for the forfeiture of stock on the non-payment of any sums required to be paid by order of the said company.

Approved, March 3, 1848.

[No. 140.]

AN ACT

To amend the laws in relation to the Town of Demopolis,
Marengo County.

Five councillors
in each ward.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That five Councillors shall be elected in each ward, and that the councillors in each ward shall have the power to assess, collect and appropriate the taxes, according to such rules and regulations as they may adopt, for the respective wards.

Meetings of coun-
cillors.

Sec. 2. *And be it further enacted*, That the councillors in each ward shall hold separate meetings for the transaction of business relating exclusively to the interests and business of their wards.

Boards may be
called together.

Sec. 3. *And be it further enacted*, That the two boards of councillors may be called together, at the pleasure of the Intendant; and they, or a majority of the members of each council, shall constitute, as heretofore, the Common Council, for the government and direction of the general interests of said town.

Fines appropri-
ated.

Sec. 4. *And be it further enacted*, That all fines collected shall be appropriated to the ward in which the offence may have been committed.

Marshal.

Sec. 5. *And be it further enacted*, That the Common Council may and shall elect a Town Marshal; and each board of councillors shall have power to elect their Secretary and Treasurer.

Limits.

Sec. 6. *And be it further enacted*, That the northern limits of the corporation shall extend to the slough which

empties into the Tombigbee river, above Breitling's warehouse; and all the land north of said slough, except the town springs, be receded to the care and charge of the county of Marengo.

Sec. 7. *And be it further enacted*, That the foregoing provisions shall go into operation on the first Monday of April, 1848, and that all laws contrary to the provisions herein, be, and the same are hereby repealed. Goes into effect.

Approved, Feb. 26, 1848. •

[No. 141.]

AN ACT

To incorporate the Dexter Fire Engine Company, of the City of Montgomery, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the members, their associates and successors, of the Dexter Fire Engine Company of the City of Montgomery, be, and are hereby declared and constituted a body corporate, by the name and style of "The Dexter Fire Engine Company of the city of Montgomery;" and by that name and style may sue and be sued, may plead and be impleaded, answer and be answered in any court of law or equity; and may have and use a common seal, and the same alter or amend at pleasure; and may have and hold real and personal property to the amount of fifty thousand dollars, and may sell or transfer the same at pleasure. Body corporate.

Sec. 2. *And be it further enacted*, That the members of said company and body corporate be, and they are hereby, exempt from jury and militia duty. Name.

Sec. 3. *And be it further enacted*, That the company may enact such rules and by-laws for its own government, as the members may think proper, provided they are not contrary to the constitution of the United States, or of the State of Alabama, and may alter or change the same at pleasure. Powers.

Sec. 4. *And be it further enacted*, That the company shall not be allowed to exercise banking privileges, or any others, not legitimately belonging to fire engine companies generally. Members exempt from militia duty, &c.

Sec. 5. *And be it further enacted*, That this act of incorporation shall remain in force for twenty years and no longer. May enact rules.

Sec. 6. *And be it further enacted*, That the provisions of this act be extended to Samue W. House, Norman Ca Restriction.

Term 20 years.

Extended to Fire
Co. at Wetumpka

batt, Charles Cabatt, A. G. Due, Samuel Carnochan and their associates and successors, at the city of Wetumpka, by the corporate name of "The Wetumpka Fire Company;" and that said company, be and is here by subjected to the same duties, and may exercise the same privileges, and shall be allowed the same exemptions as are prescribed by the former sections of this act.

Approved, Feb. 29, 1848.

[No. 142.]

AN ACT

To incorporate "The Sisters of the Visitation," of Summerville, Mobile County."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the association of individuals, residing at Summerville, Mobile county, and conducting therein a Female Academy, commonly known and designated as the "Academy of the Visitation;" and the individuals composing the same, and their successors, are hereby declared to be a body politic and corporate, under the name and style of the "Sisters of the Visitation;" which corporation is hereby created for the purpose of enabling the said association to conduct and carry on more efficiently their said Academy for the education of young ladies, and such other benevolent and charitable objects, in connexion therewith, as to them may seem proper; and said body politic and corporate shall have a perpetual succession of officers and members.

Corporate ability

Sec. 2. *And be it further enacted,* That the officers and members of said corporation, and their successors, shall have power to admit new members, and judge of the qualification of members generally; shall have a common seal, which they may break and alter at their pleasure; and shall exercise such other powers, according to the constitutions and rules of their institute, as they shall deem necessary for the proper government of the said association, and carrying out its objects: *Provided,* that nothing therein be incompatible with the Constitution of the United States, or of the State of Alabama.

May purchase &
hold property.

Sec. 3. *And be it further enacted,* That the said corporation, under the name and style aforesaid, shall be able and capable to purchase and to take, and to hold by purchase or otherwise; and to have, hold, possess, and enjoy to itself, in perpetuity, or for any term of years, any estate, real or personal, of whatever kind or nature; and to sell, lease, alien, or dispose of the same, as the said association may deem proper; and by the name aforesaid, may contract, sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity, and have all the rights and privileges incident to bodies corporate, instituted for similar purposes.

Sec. 4. *And be it further enacted*, That no misnomer of said association, in any act or doing in its favor or against it, shall be void on that account, where the intention is manifest; but the same, in such cases, shall be as efficient, as if there were no misnomer. No act void on account of misnomer.

Approved, March 1, 1848.

[No. 143.]

AN ACT

To Incorporate the Grand Chapter of the State of Alabama, and the Subordinate Chapters within its Jurisdiction.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That William Hendrix, Grand High Priest and others, the officers and members of the most excellent Grand Chapter of the State of Alabama, and the several persons who shall hereafter be the officers and members of said Grand Chapter, shall be, and they are hereby declared to be a body politic and corporate, in name and in deed, by the name and style of the "Grand Chapter of the State of Alabama and its Masonic Jurisdiction," and by the same name shall have perpetual succession of officers and members, and a seal, with power to change, alter, and make new the same as often as the said corporation shall judge expedient. Corporate s.
Name and style.

Sec. 2. *And be it further enacted*, That the several Chapters of Royal Arch Masons, which have heretofore been formed under the jurisdiction of said Grand Chapter, and all such Chapters of Royal Arch Masons, as shall hereafter be formed under the jurisdiction of said Grand Chapter, shall each and every of them be, and each and every of them, are hereby declared to be a body politic and corporate, in name and in deed, by such name and style as each and every of them is, or shall be known or distinguished in the Charter granted by said Grand Chapter, to each and every of such Chapters; and each and every of such subordinate Chapters shall have a seal, with power to change, alter and make new the same as often as each of such Chapters, under the jurisdiction of said Grand Chapter shall judge expedient: *Provided*, that nothing herein contained shall be so construed as to annul, change, alter or impair in any manner the Masonic jurisdiction and powers of said Grand Chapter over said subordinate Chapters. Extended to Chapters formed and to be formed.
Powers.

Sec. 3. *And be it further enacted*, That said Grand Chapter, and the Chapters under its jurisdiction, shall each and every of them, be, by their several name, able and capable in law, to purchase, have, hold, receive, enjoy, possess and retain to itself in perpetuity, or for any term of years any lands, tenements, or hereditaments of what kind, or nature soever, not exceeding the value of twenty thousand dollars; and to sell, alien, exchange,

demise, or lease the same, or any part thereof, as the said corporations shall severally think proper, and by the same name severally to sue and be sued, to plead, and be impleaded, answer and be answered unto in any Court of law or equity in this State, and to make such rules, orders and bye-laws, not repugnant to the laws of this State, as may be necessary for the order, rule, good government, and management thereof: and to do all things concerning the government, the estates, money and revenues of said Grand Chapter, and of each of such subordinate chapters as may be necessary.

May receive donations. Sec. 4. *And be it further enacted*, That it shall be lawful for said Grand Chapter, or for any one of such subordinate Chapters to take and hold forever, any charitable donation or devise of lands not exceeding one hundred thousand dollars, and to appropriate the same for its own benefit in such manner as it may determine.

And bequests, &c. Sec. 5. *And be it further enacted*, That said Grand Chapter, and each and every of such subordinate Chapters, shall be capable in law to have, hold, and receive, possess and enjoy all such estates, real and personal; moneys, goods, chattels and effects which may be devised or bequeathed thereto, by whatsoever name such gift, devise, or bequest may be made, and to receive subscriptions and other contributions.

Act declared a public act. Sec. 6. *Be it further enacted*, That this act shall be deemed and taken as a public act, and notice thereof shall be taken in all the courts of justice and elsewhere in this State, and shall be given in evidence on any trial of any issue or cause without special pleading.

Reservation. Sec. 7. *And be it further enacted*, That the General Assembly shall have full power at any time to repeal, alter, or modify this charter.

Approved, February 17, 1848.

[No. 144.]

AN ACT

To incorporate the North Alabama Mutual Insurance Company.

Established. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That there shall be established in the town of Huntsville an Insurance Company, which shall be a body politic and corporate, to be called "The North Alabama Mutual Insurance Company," of which Thomas Fearn, George P. Beirne, W. H. Powers, Robert Fearn, T. J. McColley, J. W. Scruggs, J. J. McLelland, Wm. Echolds, J. J. Donnegan, F. J. Levert, J. J. Fackler, Samuel Cruse, J. H. Lewis, F. T. Martin, Alex. Erskine, James Mastin, John Patton,

Corporate style.

W. T. Blunt, John Read, Dandridge Fariss, John S. Dixon, P. Woodson, C. C. Clay, Sen., George Steele, Thomas W. White, James Bradley, James J. Pleasants, Samuel Breck, S. S. Ewing, Wm. Robinson, William Brandon, Joseph C. Bradley, Charles Patton, S. Coltart, George W. Neale, and Thomas McCreary shall be the first Trustees, and such other persons as may hereafter associate with them, by having their property and lives insured, shall be members equally entitled to a full participation in all dividends.

Sec. 2. *Be it further enacted*, That in addition to the general powers and privileges of a corporation, the corporation hereby created shall have power, by instruments under seal, or otherwise, First Trustees.
Powers enumerated.

1st. To make insurance upon vessels, freights, goods, wares, merchandize, specie, bullion, jewels, profits, commissions, bank notes, bills of exchange, and other evidences of debt, bottomry and respondentia interests; and to make all and every insurance connected with marine risks, and risks of transportation and navigation.

2d. To make insurances upon dwellings, houses, stores, and all kinds of buildings. and upon household furniture, merchandize, and other property, against loss or damage by fire.

3d. To make insurance upon lives.

4th. To cause themselves to be re-insured, when deemed expedient, against any risk or risks upon which they have made or may make insurance.

Sec. 3. *Be it further enacted*, That all the corporate powers of the said company shall be exercised by a board of trustees, and such officers, clerks and agents, and other persons, as said trustees may appoint from time to time. Trustees shall be elected as hereinafter mentioned. It shall be their duty, in organizing the company, to choose a President and Vice President, to act until the second Tuesday in February after the period for making the first dividend statement required by this act, and annually on the second Tuesday in February thereafter, who shall also be *ex officio* trustees, and are to have equal power with the other trustees in voting on all questions, and in determining all matters relating to the company. By whom exercised.

Sec. 4. *Be it further enacted*, That the Trustees, President and Vice President shall hold their respective offices for the period herein named, and until others are chosen in their stead; the Secretary, Clerks, Agents, and other persons, during the pleasure of the trustees. Term of office of officers.

Sec. 5. *Be it further enacted*, That the board of trustees shall have power, by by-laws, to declare from time to May pass by-laws.

time what number of trustees, less than a majority, shall be a quorum for the transaction of business; and also to make such other by-laws as may be deemed necessary for the good government of the officers, and the conduct of their affairs.

Vacancies.

Sec. 6. *Be it further enacted*, That vacancies happening in the board of trustees, or in the number of inspectors or officers, by death, resignation, removal, or continued absence from the United States exceeding twelve months, may be filled for the remainder of the term by the board of trustees.

Trustees to open
book of applica-
tion for insurance

Sec. 7. *Be it further enacted*, That it shall be the duty of the thirty-six trustees named in the first section of this act, or the duty of any five of them, within two years after the passage of this act, to open a book to receive applications for insurances; and after receiving applications for insurance, to be approved by them, amounting to two hundred thousand dollars, the book may be closed, and the company may be organized. It shall also be the duty of the said thirty-six trustees, or the duty of any five of them, to appoint three inspectors of the first election.

Trustees classed.

Sec. 8. *Be it further enacted*, That the board of trustees shall divide themselves into four classes: the term of the first class shall expire on the second Tuesday in the month of February after the period for making the first dividend statement required by this act, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire successively on the second Tuesday in February of the following years, or as soon thereafter as others are elected in their stead. Nothing herein contained shall prevent the re-election of a trustee.

Notice of annual
elections.

Sec. 9. *Be it further enacted*, That notices for annual elections of trustees, to hold for four years, and until others are elected, and for three inspectors of the next election, are to be given in one or more of the newspapers published in the town of Huntsville, by an officer of the company, one week prior to each annual election, to be held at such time and place as may be designated by the board of trustees, or by the President and Vice President, in case of the omission of the trustees to designate the same.

Election of trust-
ees.

Sec. 10. *Be it further enacted*, That at any election of trustees, when the certificates authorized to be issued under this act, as hereinafter mentioned, do not amount to fifty thousand dollars over and above the reductions thereon, each person having in his possession, and producing at the polls, a policy or policies of insurance, not marked off, made by the company previously to the thirty-first day of December of the year next preceding the election, direct in his own name, or in the name of a firm of which he is a

partner, the premiums on which shall amount to fifty dollars, such person shall be entitled to a vote, and in case the premiums on such policy shall have exceeded fifty dollars, such person shall be entitled to an additional vote for each fifty dollars of such excess.

Sec. 11. *Be it further enacted*, That each person having in his possession, and producing at the poll, a certificate or certificates of earnings, amounting to fifty dollars, issued by the company in his own name, or in the name of a firm of which he is a partner, which certificate of earnings shall not have been discharged by payments, nor cancelled by losses and expenses, shall be entitled to a vote; and in case the certificate or certificates of earnings, so produced, shall exceed fifty dollars, the holder thereof shall be entitled to an additional vote for each fifty dollars of such excess. Persons may vote by proxy, if the proxy is accompanied by the before mentioned evidence of the right so to vote. One person only shall be allowed to vote at the same election, on the same documents. And in case of a failure to elect, from the number of votes being equal, a new election is to be held to fill the undetermined places.

Eligibility of voters for trustees.

Sec. 12. *Be it further enacted*, That the company, for the better security of its dealers, may receive notes or bills of exchange for premiums in advance, of persons intending to receive its policies, and may negotiate such notes, or bills of exchange, for the purpose of paying claims or otherwise, in the course of its business; and on such portions of said notes, or bills of exchange, as may exceed the amount of premiums paid by the respective signers thereof, at the successive periods when the company shall make up its annual statement, as hereinafter provided for; and on new notes or bills of exchange taken in advance thereafter, a compensation to the signers thereof, at a rate to be determined by the trustees, but not exceeding five per cent. per annum, may be allowed and paid from time to time.

Powers of Co. in receiving notes and bills.

Sec. 13. *Be it further enacted*, That no separate dividend statement shall be required for the part of the year following the day on which the company shall have issued and dated its first policy; but after that period, an annual dividend statement shall be made, which shall contain a fair estimate of the nett profits of the company not before divided, up to and including the last day of December of each year, taking into view the probable amount to be paid on all claims and demands which have been, or may be made against the company, and allowing for any previous deficiencies. Such annual statement shall be completed in the month of January succeeding the period to which it relates; and after ascertaining, in this mode, the nett profits

Dividends.

of each period on risks marked off, the board of trustees may declare a dividend, and the officers of the company may issue certificates of a certain *per centum* on the premiums received for such marked off risks, to the persons in whose names the policies of insurance were originally made, or to their representatives; which certificates may be issued as hereinafter provided for; and the amounts named in such certificates shall be conclusive on the parties entitled to receive them, at such periods, and not to be changed by subsequent events, showing the actual payments to be more or less favorable than the estimates; and the said certificates shall be transferable only on the books of the company, under regulations to be prescribed in the by-laws, and shall contain a proviso declaring the same to be subject to any future losses and expenses of the company, until the same are redeemed, as is hereinafter provided for, and subject to be reduced by the board of trustees, in case of losses and expenses in any subsequent year exceeding the estimated profits of such year.

Certificates.

Sec. 14. *Be it further enacted*, That no original certificate shall be issued for a less sum than ten dollars, nor for the fractional sums between even tens of dollars; all such sums are to be passed to the contingent accounts of the company.

When certif. may
be withheld.

Sec. 15. *Be it further enacted*, That in case any person or persons, entitled to a certificate, shall be indebted to the company for sums past due. and unpaid, the company may withhold the certificate and deduct such sum or sums from the amount thereof, or reduce or cancel the same; but persons insuring, or entitled to certificates, shall not be answerable by reason thereof, or of any thing contained herein, except for the payment of premiums, or other notes or bills of exchange given in advance for premiums.

Company may in-
vest funds.

Sec. 16. *Be it further enacted*, That it shall be lawful for said company to invest their funds or any part thereof, in bonds secured by mortgages or trust liens on unincumbered real estate, within the State of Alabama, worth one hundred *per cent* more than the sum loaned thereon, and also in all or any stocks created by, or under the laws of this State, or of the United States, and in bills of exchange for the purpose of making the necessary transfer of their funds, and to lend the same or any part thereof, on the security of such stocks, and on bottomry and *respondentia*, or otherwise, and to change and reinvest the same; and it shall be lawful for said company from time to time to divide such part of the accruing interest as they may deem equitable, not exceeding eight per cent per annum, to and among the holders of such certificates; or in case of losses, to declare a

pro rata deduction of the amount of the outstanding certificates. Original certificates may be called in by the company, and new ones issued in their stead, less the proper reduction. All certificates and interest in the company shall be deemed personal property.

Sec. 17. *Be it further enacted*, That on the thirty-first day of December of the second year, after the day on which the first policy of the company shall have been issued and bears date, or within one month thereafter, and on the thirty-first day of December, or within one month thereafter, of every subsequent year, the company shall cause to be made a general balance statement of their affairs to the end of such year, which shall be published immediately thereafter in one or more papers published in the town of Huntsville, containing:

When bal. sheet shall be struck.

Containing.

1st. The amount of premiums received during the first part of a year, and the second year united, and each successive year, specifying what amount was received on policies on fire risks, and what amount was received on policies of marine risks, and what amount received on policies on life risks.

2d. The amount of losses paid during the year, specifying the amount paid on policies on fire risks, and the amount paid on policies on marine and inland transportation risks, and the amount paid on policies on life risks.

3d. The balance remaining with the company.

4. The nature of the security on which investments have been made, stating the amount invested in lands and mortgages, and the amount invested in other securities, and the amount of premium notes and cash on hand; a copy of which statement shall be kept ready for the examination of the members.

Sec. 18. *Be it further enacted*, That the percentage of the profits accruing on the business of the company, and the dividends which may be declared on the investments, are to be published for one week after each is declared, in one or more of the public papers printed in the town of Huntsville.

Dividends shall be published.

Sec. 19. *Be it further enacted*, That whenever the accumulation of the nett profits of the company shall exceed one hundred thousand dollars, the excess may be applied from year to year, or semiannually thereafter, towards the redemption of each years certificates, in whole or in part as may be determined on by the board of trustees, but the certificates of a subsequent year are not to be redeemed, until those of a preceeding year are provided for; and when such accumulation shall exceed three hundred thousand dollars, it shall be the duty of the trustees to apply

Application of excess over \$100,000.

such latter excess towards the redemption of certificates in whole or in part, in the manner above specified.

Suits may be prosecuted.

Sec. 20. *Be it further enacted*, That suits at law or in equity may be prosecuted and maintained by any member against said corporation; but no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness.

Place of business

Sec. 21. *Be it further enacted*, That the operations and business of the company shall be carried on at such place in the town of Huntsville as the trustees shall direct; and agencies may be established at such other place or places as the said trustees may deem expedient.

Corporate term 30 years.

Sec. 22. *Be it further enacted*, That this act shall take effect immediately after its passage, and continue in force thirty years and no longer, unless authorized by the Legislature of the State.

Approved, Feb. 18, 1848.

[No. 145.]

AN ACT

To incorporate the Pickensville Female Institute.

Corporators.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Peyton King, William C. Ferguson, Robert T. Johnston, James Chalmers, Alexander M. Wilkins, James Poindexter and James M. Beckett, elected Trustees by the subscribers of the Pickensville Female Institute, and their successors be, and they are hereby, constituted a body corporate, under the name and style of "The Trustees of the Pickensville Female Institute."

Name and style.

No. of Trustees and how elected.

Sec. 2. *And be it further enacted*, That said Trustees shall be seven in number, and shall be the persons elected as such, by the subscribers of the said Institute, according to the rules and regulations adopted by them the said subscribers: *Provided*, that the above named individuals and their successors shall always continue in office until other successors shall be duly elected in their stead: *And provided further*, that if at any time, the subscribers shall neglect, on notice, to fill vacancies for the space of two months, then the Trustees, with the concurrence of a majority of their number, may proceed to fill such vacancies.

Powers.

Proviso.

Organization of board.

Sec. 3. *And be it further enacted*, That the Trustees shall have power to select from their own number, a President, Secretary and Treasurer—define the duties of each, and exact from the Treasurer a bond for the faithful per-

formance of his duties. They shall have power to select Powers.
 suitable and competent teachers—fix the terms of tuition
 and board in the Institute—prescribe the course of studies,
 and grant certificates or diplomas, or such other evidencies
 of scholarship, and further to pass such by-laws, rules and
 regulations for the corporation, and the government of the
 school, as they may deem proper: *Provided*, that such Proviso.
 by-laws, rules and regulations, be not repugnant to the con-
 stitution and laws of this State or of the United States.

Sec. 4. *And be it further enacted*, That the said cor-
 poration, by its corporate name, shall be capable in law, Corporate ability.
 of suing and being sued, and of pleading and being im-
 pleaded—of receiving subscriptions and donations for the
 use of the Institute—of taking in trust all monies which
 have been or may be subscribed by subscribers—of hold- Immunities,
 ing and owning property, both real and personal, to an
 amount not exceeding twenty five thousand dollars, free
 and exempt from all taxation, so long as the same may be
 used under the provisions of this act. and of selling and
 conveying the same, and of making all such contracts and
 investments as may be proper to carry out the purposes of
 this trust.

Sec. 5. *And be it further enacted*, That a majority of
 the Trustees shall constitute a quorum for the transaction Quorum.
 of all ordinary business; but it shall require the concurrence
 of a majority of the whole number of Trustees to make a Election of teach-
 choice of teachers, or dispose in any manner, of the mon- ers.
 ies or property of the corporation, beyond the value of
 one hundred dollars,

Approved, Jan. 29, 1848.

[No. 146.]

AN ACT

To incorporate the Coosa Hall Company.

Section 1. *Be it enacted by the Senate and House of
 Representatives, of the State of Alabama, in General
 Assembly convened*, That Francis S. Heard, James Trim-
 ble, Benjamin Trimble, their associates and successors, be, Names of corpo-
 and are hereby, incorporated into a body politic and cor- rators.
 porate, by the name and style of the "Coosa Hall Compa- Style.
 ny," and by that name may sue and be sued, contract and
 be contracted with, be entitled to and enjoy all the privi-
 leges, benefits and immunities, and be subject to all the
 liabilities of corporations; that in said corporate name,
 they be authorized to have and to hold, by deed or other.

wise, all property, real, personal or mixed, which may be deemed necessary for establishing and keeping up in Wetumpka a Hotel, with the usual and needful appendages.

Capital stock.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall not exceed twenty-five thousand dollars, and may be taken in shares of one hundred dollars each: That said Francis S. Heard, James Trimble, and Benjamin Trimble, are hereby appointed Commissioners to open a book of subscription for said stock, which may be done at such times and places as they shall direct, giving at least twenty days notice thereof, in some newspaper published at Wetumpka; and any person subscribing for stock, who has heretofore paid, in any manner, for the advancement of said company, and whose account is sanctioned and allowed by said commissioners, may receive one share for every hundred dollars so paid and allowed; and every stockholder shall be entitled to one vote for every share held in his, her or their name.

How taken.

Directors.

Powers.

Sec. 3. *Be it further enacted*, That the stockholders shall, on the first Monday in March, in each year, elect from their company three directors, who shall continue in office until their successors are elected: Said directors shall have the entire management and control of the business, and of all the property or effects of said company; may rent, lease or sell the same; may make any contract for the borrowing of money for said company, receive the payment thereof in the name of said corporation; and all conveyances, contracts, agreements or promises in writing executed by said directors in the name of and under the *scroll seal* of said corporation, shall be good and effectual for all the interests and purposes therein expressed, and shall be as binding upon all the members of said company as if signed by each stockholder, under the restrictions, and to the extent only, as expressed in the next section of this act.

Restricted in contracts to \$10,000.

Sec. 4. *Be it further enacted*. That said company shall not contract debts, or incur liabilities, exceeding ten thousand dollars at any one time; the private property of each stockholder shall be bound for the ultimate payment of the debts of said company, in proportion to the amount of stock owned, and this liability shall continue for one year after the transfer of any stock by any one of said company.

May adopt by-laws.

Sec. 5. *Be it further enacted*, That said directors may adopt such by-laws, for the government of said company, as they shall deem expedient; may call in such instalments as they consider necessary; may enforce the payment thereof, in such manner as they shall prescribe, by a sale and entire forfeiture of the stock of any defaulting stock-

holder, or any other manner necessary for the prompt payment thereof. No by-law shall be adopted contravening the Constitution and laws of the United States, or of the State of Alabama.

Approved, March 2, 1848.

[No. 147.]

AN ACT

To Incorporate the Town of LaFayette, in the County of Chambers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the town of LaFayette, in the county of Chambers, be, and the same is hereby, incorporated; and the corporate limits of said town shall embrace an area of land, taking the Court House in said town as a pivot or centre point, and extending one half mile therefrom in every direction. Incorporation and limits.

Sec. 2 *And be it further enacted,* That an election shall be held in the said town of LaFayette, on the second Saturday in March next, and bi-annually, on the second Saturday in March thereafter, the poll to open by 12 o'clock noon, and close at 4 o'clock in the evening, for the purpose of electing an Intendant and four Councilmen, inhabitants of said town, who shall serve for the term of two years, and until their successors are duly elected and qualified; which election shall be held by some Justice of the Peace for said county, and any two freeholders of said town; and all subsequent elections shall be held and conducted by the Intendant and any two of the Councilmen, and in the absence of the Intendant, by a majority of the Councilmen, or by any three discreet householders in said town, who shall be appointed by the Intendant or a majority of the Councilmen of said town for that purpose; and the said Intendant and Councilmen shall be, and they are hereby declared and constituted a body politic and corporate, by the name and style of the "Intendant and Councilmen of the Town of Lafayette," and by that name, they and their successors in office, shall be capable in law, of suing and being sued, of pleading and being impleaded, in all manner of suits, whether in law or equity; and they shall have full power and authority to do and perform all acts incident to the powers granted, to bodies corporate, and to purchase, hold, use, or dispose of all personal or mixed property for the benefit of said town. Election of Municipal officers.

Sec. 3. *And be it further enacted,* That the said corporation shall have power to pass all bye-laws and ordinances necessary to carry into effect the general powers granted by this act, and all such ordinances as may be necessary to preserve the health of said town; to prevent and remove nuisances; to suppress gaming of every description; to provide for licenseing, taxing, &c. Name and style.
Corporate ability
Power to pass bye-laws.

ulating or restraining shows and exhibitions of every description; to fine for assault and battery, and the same to collect; and shall have all other powers necessary for the good government of said town, not inconsistent with the laws of this State.

Vacancies, how filled.

Sec. 4. *And be it further enacted*, That when any vacancy shall happen in the Board of Intendant and Councilmen, by death, resignation or otherwise, such vacancy shall be filled by resignation or otherwise, such vacancy shall be filled by the board, and the member so chosen, shall continue in office until the next election thereafter; and if any election should not be held as provided for in this act, then it shall be lawful to hold said election at any time within one month thereafter; and the board of Intendant and Councilmen in office, anterior to every such election, shall not be dissolved until such election shall be held, and the Intendant and councilmen elected duly qualified as provided for in this act.

Intendant and councilmen ex-officio justices peace

Sec. 5. *And be it further enacted*, That the Intendant and Councilmen of said town shall be ex-officio, a Justice of the Peace within the limits of said town, for the purpose of executing and carrying into effect the bye-laws and ordinances of said corporation.

Clerk and Treas'r to be appointed.

Sec. 6. *And be it further enacted*, That said Intendant and Councilmen, may appoint a clerk, treasurer, and marshal, and shall have power to fix their salaries, the amount of their bonds, and remove the same from office for sufficient cause.

Shall take oath.

Sec. 7. *And be it further enacted*, That said Intendant and Councilmen, before they enter upon the duties of their office, shall take an oath before some Justice of the Peace, that they will faithfully and impartially discharge the duties to them committed, to the best of their ability.

Corporation may assess taxes.

Sec. 8. *And be it further enacted*, That said corporation shall have full power and authority, on the first day of May in each year, to assess and collect a tax on all persons, property and subjects, on which a State tax is now imposed, not exceeding fifty per cent on the present rate of State tax: *Provided*, every free male citizen, who shall not pay a tax equal to one dollar on property, shall pay such poll tax as the corporation may impose.

Qualification of voters in elections

Sec. 9. *And be it further enacted*, That all white male persons, above the age of twenty-one years, who shall have resided within the limits of said town, three months immediately preceeding an election for Intendant and Councilmen, shall be deemed qualified electors; and all persons within said corporate limits, liable, by law, to work on public roads, shall be liable, and are hereby required to work on the streets, alleys and roads within said corporate limits, not exceeding ten days in any one year: *Provided*, every such person shall be exempt from performing such work, by paying such street tax as the corporate authorities may impose.

Proviso.

Offenders may be committed and when.

Sec. 10. *And be it further enacted*, That in all cases, when any person or persons shall be convicted of offences against the ordinances of said town, and such person or persons shall fail or refuse to pay, or secure to be paid, the fine or fines imposed, it

shall be lawful for a majority of the board of Intendant and Councilmen, to commit such offenders to the jail of said county, for any period, not exceeding five days, unless such fine and costs be sooner paid; and the jailor of said county, shall receive and keep such offender or offenders, in the jail of said county, until he receives the certificate of the payment of such fines and costs, from the Intendant or Clerk of said corporation: *Provided*, the corporation shall pay the jail fees in all cases, where they cannot be collected of the offender or offenders; which jail fees shall be the same as now allowed by law. Proviso.

Approved, Feb. 10, 1848.

[No. 148.]

AN ACT

To amend an act, entitled "an act to incorporate the Dayton Literary Association, and for other purposes."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, that all the powers and privileges, immunities, grants and authority, which by an act, approved February 14th, 1843, entitled an act to incorporate the Dayton Literary Association, were bestowed upon and granted to said Association, be, and the same are hereby granted to, and bestowed upon Price Williams, Preston G. Nash, William S. Patton, William H. Norris, J. P. Strother, Felix G. Adams, William Hendricks, John N. Walthall, S. H. Taylor, Leland Trippe, D. M. A. Dansby, S. F. Perkins, James L. Price, James Chambers, James White, T. J. Woolf, William M. Brooks, William Burks, William A. Terrell, V. G. Snedcor, J. S. Taylor, F. S. Lyon, D. C. Anderson, Joseph Packard, Charles Whelan, James Webb, William Keer, E. H. Cook, T. S. Beck, C. C. Sellers, Sya Smith, Joseph Pickett, Thomas W. Price, T. S. Abernathy, Robert E. Bohannon, their associates and successors, who are hereby constituted a body corporate, under the name and style of "The Masonic Institute:" *Provided, however*, that before said powers and privileges shall attach and enure to the said body corporate, by this act enacted, that a majority of the stock, owned by the present stockholders of the Dayton Literary Association, shall be transferred to the persons by this act constituted a body corporate. Powers transfer'd.
Names of corporators.

Sec. 2. *And be it further enacted*, That the above mentioned persons and their successors in office, are hereby created Trustees of said Masonic Institute, and shall have power to elect one of their body President of their board, Organization and general powers.

and appoint such other officers as they may deem expedient, and also shall have power to make all such by-laws and regulations for the government of said Institute as they or a majority of them may deem necessary, and alter and amend the same, as they may deem proper; and also, shall have power to open books for the subscription of additional stock; and also to fill vacancies in their board: *Provided, however*, that said board of trustees shall, if they deem it expedient, elect three, five, or seven of their number, who, when thus elected, shall constitute the executive committee of said board of trustees, shall have and exercise such powers, and perform such duties as may be conferred upon, and required of them by the by-laws of said corporate body.

Sec. 3. Be it further enacted, That said corporation Capability in law by, and in its corporate name, shall have all the powers, usually granted to Academies, and high schools in this State, and shall be capable in law and equity, of suing and being sued; of impleading and being impleaded; of holding and owning property, both real and personal to any amount not exceeding fifty thousand dollars; of selling and conveying the same, and shall have and enjoy all such powers and privileges as are necessary to give full and complete effect to this act, according to its true intent and meaning.

Sec. 4. Be it further enacted, That if at any time hereafter, the Masonic Institute be converted into any other institution, or any thing else than that of a Literary Institution, for the education of females, then, and in that case, the stock, donated by the present stockholders, to the said Institute, shall revert and belong to the original stockholders as fully and entirely, as if no donation or transfer had ever been made. Reservation.

Sec. 5. And be it further enacted, That the provisions of an act, entitled an act, to enable the President and Directors of the Dayton Literary Association, to confer Degrees, approved January 17th, 1844, shall appertain and belong to the President and board of Trustees of the Masonic Institute. May confer degrees.

Approved, Jan. 24, 1848.

[No. 149.]

AN ACT

To alter and amend the Charter, and amendatory acts, of the Alabama Life Insurance and Trust Company.

Section 1. *Be it enacted by the Senate and House of Representn-*

tatives of the State of Alabama, in General Assembly convened,
That so much of the seventh section of the act incorporating the Alabama Life Insurance and Trust Company as requires the whole amount of the capital stock of said company to be loaned on notes or bonds secured by unincumbered real estate, and of an act to alter and amend the charter of said company, approved December 17th, 1836, which authorized the said company to invest and employ Employment of capital: one half of the capital stock aforesaid in securities other than bonds or notes secured by unincumbered real estate, be, and the same are hereby altered and amended so as to authorize the said company to invest and employ any part of the capital stock of said company in the same manner that they are authorized by the eighteenth section of the charter to invest and employ the profits and premiums of said company and the moneys received by them on trust.

Sec. 2. *Be it further enacted,* That so much of the ninth section of the act incorporating the said company as requires the board of trustees to be divided into classes consisting of four each, and so arranged that the term of service of one of said classess shall expire at the end of two years, and so on; and of the first and second sections of an act further to amend the charter of said company, approved February 9th, 1843, as requires, the trustees of the said company to make a new classification among themselves, and prescribes the terms of service of the several classes, and when the same are to be elected, be, and the same are hereby altered and amended, so as to authorize the board of trustees, which shall consist of fifteen members, to be elected annually, on the second Monday in December, by the stockholders. Former acts altered.

Sec. 3. *And be it further enacted,* That all parts of the former acts, to which this is an amendment, as may conflict with the provisions of this act, are hereby repealed.

Approved, March 4, 1848.

[No. 150.]

AN ACT

To amend an Act, entitled "an Act to incorporate the Town of Wetumpka, approved January 10th, 1839.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Mayor and Alderman of the City of Wetumpka, be authorized to issue bonds under the corporate seal of said City, to May issue bonds- be signed by the Mayor and Treasurer, to be issued in sums not less than one hundred dollars each, to bear such rate of inter-

Amount.

est not exceeding eight per cent, per annum, and to be redeemed at such time and upon such terms as shall be expressed in each of said bonds; the entire amount issued shall not at any one time exceed fifty thousand dollars. No bonds shall be issued but upon an entire concurrence of the Board of Mayor and Aldermen, upon a full attendance of all the members of the board and when there is no vacancy; which shall be made manifest only by an entry of the order for issuing being made on the minutes of said board, and being signed by each member thereof; nor shall any contract amounting to one hundred dollars, made under any of the provisions of this act, be valid which is not made under all the restrictions in this section recited.

Object of loan. *Sec. 2. Be it further enacted,* That when said Corporation desire to raise money for the purposes herein after expressed, the Treasurer may sell said bonds at par value and the money arising from such sales shall be held, and used alone for the purpose of securing the right of way and constructing a canal around the lower end of the Shoals of the Coosa River, commencing at such point above Wetumpka as may be considered most advantageous also in erecting locks, and such other works or machinery as may be considered necessary for securing, controlling and disposing of the water power for the purpose of propelling machinery of any and every description, under such rules and regulations, upon such terms and unto such persons as may be considered most conducive to the advancement of manufactories, and most for the prosperity of Wetumpka.

City property pledged,

Sec. 3. Be it further enacted, That taxes arising from assessments on the real estate in the corporate limits of said City, together with the real estate belonging to said corporation, with the rents, issues, and profits thereof, be and the same are hereby pledged and appropriated for the final payment of all bonds issued under the provisions of this act.

Vested with certain powers.

Provide.

Sec. 4. Be it further enacted, That the Mayor and Aldermen of the City of Wetumpka, their successors and assigns, be and are hereby vested with equal power, privileges and benefits, which were granted to John Houghton by an act approved the 8th day of February 1843, also such as were granted to Eli E. Gaither by an act approved the 25th day of January 1845, authorizing them to erect a mill on the West bank of the Coosa River, also such as were granted by an act entitled, "An act to incorporate the Coosa Canal and Manufacturing Company at Wetumpka, approved January, the 17th, 1846, also such as were granted by an act entitled, "An act to incorporate the Wetumpka Canal and Manufacturing Company, approved January the eighth, 1846: *Provided* said Mayor and Alderman, their successors and assigns, shall not molest, infringe upon, or disturb any improvements already commenced under either of the afore mentioned acts, or such as may be commenced before any works by said Mayor and Aldermen, their successors or assigns; nor shall any person or persons under the provisions of either of the afore mentioned acts, molest, hinder or disturb any work or improvement, which said

Mayor and Aldermen, their successors or assigns shall commence anterior to the works of persons claiming, holding or working under the provisions of either the aforementioned acts, and all laws or parts of laws contravening the provisions of this act, are hereby repealed.

Approved, February 29, 1848.

[No. 151.]

AN ACT

To incorporate the Mobile and Ohio Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Jonathan Emanuel, George N. Stewart, Moses Waring, Sidney Smith, John Bloodgood, Miguel D. Eslava, Samuel G. Fisher, Charles LeBaron, John A. Campbell, Archibald W. Gordon, Charles Gascoigne, Philip Phillips, John C. Whitsett, and M. J. D. Baldwyn, with such other persons as shall associate with them for that purpose, are constituted a body politic and corporate, by the name of the Mobile and Ohio Rail Road Company; and by that name to sue and be sued, plead and be impleaded, in any court of this State; to make and have a common seal, and the same to break, alter or renew at pleasure; and the company is hereby vested with all powers, privileges and immunities which are, or may be necessary to carry into effect the purposes and objects of this act, hereinafter set forth; and said company is hereby authorized and empowered to locate, construct and finally complete a single, double or treble rail road or way, from some suitable point in the city of Mobile, in a western or northwesternly direction, to the westline of this State, towards the mouth of the Ohio river, in such route as shall be deemed most expedient; and to transport, take and carry property and persons upon said rail road, or way, by the power and force of steam, of animals, or of any other mechanical or other power, or any combination of them, which said company may choose to apply; and for the purpose of constructing said rail road or way, the said company is hereby authorized to lay out their road not exceeding one hundred feet wide, through the whole length, and for the purposes of depots, cuttings and embankments, and for the purpose of necessary turnouts, and for obtaining stone and gravel, may take as much more land as may be necessary for the construction and security of said road, with permission to make any lawful contract with any other rail road

Names of corporators.

Corporate name and style.

Powers vested.

May locate, construct and complete railroad.

Location of road.

Plan and general description and powers to be exercised.

corporation in relation to the business of said company, and also to make joint stock with any other rail road corporation: *Provided*, that all damages that may be occasioned to any person or corporation by the taking of any such land or materials aforesaid, for the purpose aforesaid, shall be paid for by said company, in manner hereinafter provided.

Capital stock
\$10,000,000.

Proviso.

Sec. 2. *And be it further enacted* That the capital stock of said company shall not exceed ten millions of dollars, to be divided into shares of one hundred dollars each, which shares shall be deemed personal property, and be transferred in such manner, and at such places, as the by-laws of said company shall direct: *Provided*, that said company may commence the construction of said road, with all the powers and privileges contained in this act, whenever the sum subscribed to the capital stock shall exceed two hundred and fifty thousand dollars.

Books of subscription may be opened.

Sec. 3. *And be it further enacted*, That the persons named in the first section, or a majority of them, shall open books to receive subscriptions to the capital stock of said company, at such times and places as they, or a majority of them, may appoint; and shall give such notice of the times and places of opening said books, as they may deem reasonable; and shall receive said subscriptions under such regulations as they may adopt for the purpose; and if more than five thousand shares of stock shall be subscribed, they shall have the power to make the shares so subscribed the capital stock of said company: *Provided*, they shall not exceed one hundred thousand shares. And in case the subscription shall exceed one hundred thousand shares, the same shall be reduced, and apportioned in such manner as may be deemed most beneficial to the corporation.

Affairs to be conducted by 13 directors.

Sec. 4. *And be it further enacted*, That the immediate government and direction of the affairs of said company shall be vested in a board of thirteen directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, and shall hold their office until others are duly elected and qualified to take their places as directors; and the said directors, seven of whom, the president being one, shall be a quorum for the transaction of business, shall elect one of their number to be President of the Board, who shall also be President of said Company; they shall also choose a Secretary, and such other officers as they may deem necessary, and a Treasurer, who shall give bond, with security, to said company, in such sum as the said directors may require, for the faithful discharge of his trust.

President and secretary to be chosen.

Treasurer.

Sec. 5. *And be it further enacted*, That the persons authorized by the third section of this act, to open the books

for subscription to the capital stock, are hereby authorized, after the books of subscription to the capital stock of said company are closed, or when the sum subscribed shall exceed two hundred and fifty thousand dollars, to call the first meeting of the stockholders of said company, in such way, and at such time and place, as they may appoint, for the choice of Directors of said company; and in all meetings of the stockholders of said company, each share shall entitle the holder thereof to one vote, which vote may be given by said stockholder in person, or by lawful proxy; and the annual meeting of the stockholders of said company, for the choice of directors, shall be holden at such time and place, and upon such notice, as the said company, in their by-laws, may prescribe.

\$250,000 subscribed, meeting of stockholders to be called.

Stockh. may vote either in person or by proxy.

Sec. 6. *And be it further enacted.* That in case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, said company shall not, for that cause, be deemed to be dissolved, but such election may be holden on any day which shall be appointed by the directors of said company; and said directors shall have power to fill any vacancy which may occur by death, resignation, or otherwise.

Company not dissolved tho' first election be not held.

Sec. 7. *And be it further enacted,* That the directors shall have full power to make and prescribe such by laws, rules and regulations, as they shall deem needful and proper, touching the disposition and management of the stock, property, estate and effects of said company, not contrary to this charter, or the laws of this State, or of the United States; the transfer of shares, the duties and conduct of their officers and servants; touching the election of and meeting of the directors; and all matters whatsoever which may appertain to the concerns of said company.— Said company is also hereby authorized to purchase, receive and hold such estate as may be necessary and convenient in accomplishing the object for which this incorporation is granted, and may by their agents, surveyors, engineers, and servants, enter upon all lands and tenements through which they may deem it necessary to make said road, and to survey, lay out, and construct the same, and to agree and contract for the land or right of way, with the owners, through which they may intend to make the said road. In case said lands belong to the estate of any deceased person, then, with the executor or administrator of such; or in case of the same belonging to a minor, or a person non compos mentis, then, with his or her guardian or guardians; or in case said lands be held by trustees of school sections, or other trustees of estates, then with such trustees; and the said executors, administrators,

Gen. powers defined.

Company may hold estates.

Enter upon lands necessary to construct road.

In certain cases disagreement between the company and owners of land may be settled by arbitrators.

guardians and trustees are hereby declared competent for such estate, or minors, to contract with said company for the right to use, occupy and possess the lands of such estates, minors or trustees, so far as may be useful or necessary to the purposes of said rail road; and the act and deed of such executors, administrators, guardians or trustees, in relation thereto, shall pass the title in said land in the same manner as if the said deed or act was made or done by a legal owner, of full age; and such executor, administrator, guardian or trustee, shall account to those interested, upon their respective bonds, for the amount paid him in pursuance of such agreement and composition; and if the said company and parties representing lands prefer, they may refer the question of compensation to arbitrators, mutually chosen, whose award, or that of their umpire, in case of disagreement, shall vest title according to its terms.

Sec. 8. *And be it further enacted.* That if the said company cannot agree with the owner of the land, through which they desire said road to pass, or with the executor, administrator, guardian or trustee, it shall, and may be lawful, for the clerk of the circuit court of the county in which said land lies, on the application of said company, or its agents, and he is required to issue a writ of *ad quod damnum* commanding the sheriff, that without delay he cause a jury of six good and lawful men to be upon such land upon a day to be by said sheriff fixed and appointed, and whereof it shall be his duty to give notice to the owner, executor, administrator, guardian or trustee, at least five days before such day, if they be within his county; or if not, or if the owner or owners be unknown, then notice shall be given by advertisement, to be by said sheriff posted and fixed at the dwelling house, if such there be, or on a public or conspicuous place, at least five days before such appointed day, and also by advertising the same in some newspaper published nearest the land, at least three weeks by weekly insertions, prior to said day; and then cause said jury, after being duly sworn by said sheriff, or justice of the peace, to make true inquest of the damage, that will be sustained by such owner or estate, by reason of making said road through such land. If any such juror shall fail to appear, or by reason of challenge for cause, or otherwise fail to sit on said inquest, the said sheriff shall fill said jury from the by standers, and if they fail to render a verdict, the said sheriff shall again on the same or a subsequent day, empanel a new jury or jurors, till a verdict be had, such verdict and inquest, regularly certified by such sheriff, shall be returned to the office of the clerk of the circuit court of the county in which said land may be, and there remain

Where parties
cannot agree,
writ of *ad quod
damnum* may is-
sue.

Proceedings
thereon.

among the records; and such verdict shall vest in said company the right to occupy and use such land for the purposes of said rail road, on the payment, or tender of payment of the damages thereon assessed, against said company; and in case of persons absent, or unknown as aforesaid, the placing of the amount of such damages, to the credit of the owner, in the hands of the judge of the county court of the county in which such lands may lie, shall be deemed, and taken as payment; and such judges shall be liable on their bonds, to make due payment of said money on demand.

Sec. 9. *And be it further enacted*, That it shall be the duty of the sheriff, to appoint and hold said inquest within ten days after the receipt of said writ of *ad quod damnum*, except in cases of absence aforesaid, in which case, thirty days shall be allowed him, and five days in addition are allowed him for every additional jury which he may have under said writ; and for every default therein, the said sheriff shall be fined by the circuit court, at the instance of either party, not less than twenty nor more than one hundred dollars; and every juror and witness summoned, shall be fined not less than ten dollars for non-attendance; of all such fines, as well as costs, the circuit court of the county shall have jurisdiction. There shall be allowed the following fees: to the clerk of the circuit court, for every writ of *ad quod damnum*, seventy-five cents; for receiving and filing inquest, seventy-five cents; to the sheriff for giving notice, seventy-five cents, besides printer's fees not exceeding two dollars in each case; for holding inquest five dollars; and for summoning witnesses, twenty-five cents each; to jurors seventy-five cents per *diem*, each; which fees are not allowed until a verdict be returned and filed, and shall be taxed in the bill of costs, and paid by the company: *Provided, however*, that before the application for said writ, the said company may make a tender to the owner or owners of any such land, a sum of money, by them deemed equivalent to the damage to be sustained, and upon refusal to accept the sum tendered, and a verdict for the same amount or a less sum, the costs shall be taxed to, and paid by the owners of the land, upon which inquest is held.

Sec. 10. *And be it further enacted*, That said company is hereby authorized to construct, erect, build, and use a single, double or treble railway, or road, of suitable width and dimensions, to be determined by the directors of said company, on the line or course by them designated, and also, under the same rules regulations and restrictions, and with the like privileges and immunities, as are herein granted to the main rail road, to build and construct branch rail

Duty of Sheriff.

His fees.

Proviso.

Directors may determine the character of the road.

roads on either side of the said main road, not exceeding thirty miles, and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, and shall have power to erect and maintain toll houses and other buildings for the accommodation of their concerns, as they may deem suitable for their interests.

Powers when water course or public highway is to be crossed or intersected.

Sec. 11. *And be it further enacted*, That whenever it shall be necessary for the construction of their single, double, or treble rail road or way, to intersect or cross any stream of water or water course, or any road or highway, it shall be lawful for said company to construct across or upon the same; but the said company shall restore the said stream or water course or road or highway thus intersected to its former state, or in sufficient manner not to impair its usefulness, and in all cases where any road or public highway is so located that said rail road cannot be judiciously laid out and constructed across or upon the same, without interfering therewith, in such case or cases said corporation may, by their engineer, cause such road or roads to be changed or altered in such manner, that said rail road may be made on the best site of ground for that purpose: *Provided* *d.* said corporation shall put such road in as good repair as at the time of changing or altering the same.

Proviso.

Company may fix and receive tolls.

Sec. 12. *And be it further enacted*, That it shall be lawful for the company hereby incorporated from time to time, to fix, regulate, and receive the toll and charges by them to be received, for transportation of persons or property, on their rail road or way aforesaid, hereby authorized to be constructed, erected, built or used, or upon any part thereof.

Penalty for injuring or obstructing property of company.

Sec. 13. *And be it further enacted*, That if any person or persons will, or shall willfully do or cause to be done any act or acts whatsoever, whereby any building, construction or works of said company, or any engine, machine or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending, shall be deemed guilty of misdemeanor, and shall forfeit and pay to said company, double the amount of damages sustained by reason of such offences or injury, to be recovered in the name of said corporation, with costs of suit by action of debt.

Power of directors in requiring payments to be made.

Sec. 14. *And be it further enacted*, That the directors of said company may require the payment of the sum or sums subscribed to the capital stock of said company, at such times and in such proportions, and upon such conditions as they may deem fit; and in case any stockholder shall

refuse or neglect to make payment pursuant to the requisition of the board of directors, the stock of such stockholder, or so much as shall be necessary, may be sold by the directors of said corporation at public auction, after the lapse of ninety days from the time when the payment became due, and the surplus money, the avails of such sale, after deducting the payments due, and interest thereon, and the necessary expenses of sale, shall be paid over to such delinquent stock holder.

Sec. 15. *And be it further enacted*, That the property owned by the said company shall, at all times be subject to taxation, in the same manner, and to the same extent, as similar property owned by private individuals. Property subject to taxation.

Sec. 16. *And be it further enacted* That if the said rail road shall not be commenced in five years from the passage of this act, and shall not be finished within this State, in ten years from the time of the commencement thereof, then this act shall be null and void. Railroad must be commenced in 5 and completed in 10 years.

Approved, Feb. 3, 1848

[No. 152]

AN ACT

To incorporate the town of Fayetteville, in the county of Fayette.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That the inhabitants of the town of Fayetteville, in the county of Fayette, shall be and constitute a body politic and corporate, by the name of the Mayor and Aldermen of Fayetteville; and by their corporate name may sue and be sued, plead and be impleaded, and may purchase and hold real, personal, and mixed property, or dispose of the same, for the benefit of said town. Corporate name and style.

Sec. 2. *And be it further enacted*, That the corporate jurisdiction of said town shall extend over, and include the original plan of said town, as now on file in the office of the Clerk of the County Court of said county. Jurisdiction.

Sec. 3. *And be it further enacted*, That the said corporation shall consist of a Mayor and four Aldermen, citizens of said town, who shall be elected as follows: The sheriff of Fayette county shall, in the month of April in each and every year, after advertising at the court house door for five days, open and hold an election, in which all persons residing in said corporation, qualified to vote for members of the general assembly, shall be entitled to vote; Officers of corporation.

and in case a vacancy shall at any time happen in any of said offices, it shall be filled by the majority of said officers until the next annual election. At the first meeting of the Mayor and Aldermen after every election, they shall record the names of those persons elected, which shall be preserved on the records of their proceedings.

Powers.

Sec. 4. *And be it further enacted*, That the mayor and aldermen, or a majority of them, are hereby vested with full power to keep open the streets and alleys of said town; to preserve the peace and good order of the same; to keep the public square and streets in repair; and to pass all laws for the purpose of carrying the powers in this act granted into effect; and all other powers necessary for the government of said town, and not inconsistent with the constitution and laws of this State.

May levy tax.

Sec. 5. *And be it further enacted*, That the said mayor and aldermen of said town, for the purpose of raising money for the management, government, and improvement of said town, are hereby vested with full power and authority to levy a tax on the inhabitants, property, occupations, and privileges of said town, including every thing which shall, at any time, be liable to pay a State tax: *Provided*, that the corporation tax levied upon any subject of taxation shall not exceed the amount of State tax levied upon the same.

Recorder.

Sec. 6. *And be it further enacted*, That the mayor and aldermen, or a majority of them, shall appoint a Recorder, who shall be removable by them at pleasure. The recorder shall keep the records and proceedings of the corporation, in a book to be kept by him for that purpose; the recorder shall also assess and keep a record of the taxes, which may be levied upon the property, inhabitants, occupations and privileges of said corporation; and the recorder shall also act as Treasurer for said corporation.

Marshal.

Sec. 7. *And be it further enacted*, That there shall be a Marshal for said corporation elected at the same time, place, and by the same electors who shall be entitled to vote for mayor and aldermen; and vacancies in the office shall be filled in the same manner as of vacancies in the office of mayor or aldermen. Said marshal shall be a ministerial officer, with full power and authority to execute all laws and regulations of said corporation, and collect the revenue of the same.

Collection of taxes.

Sec. 8. *And be it further enacted*, That for the prompt and speedy mode of collecting the revenue of said corporation, that the recorder shall deliver to the marshal a certified amount of the corporation tax against any person, showing each item of taxation; which certificate shall

have the force and effect of an execution in the hands of said marshal

Sec. 9. *And be it further enacted*, That all taxes which may be levied upon all property, occupations, or privileges in said corporation, shall operate as a lien upon the property so taxable, and upon the premises where such occupation or privileges may be exercised or carried on. Effect of levy.

Sec. 10. *And be it further enacted*, That the mayor and aldermen shall take such bonds from the treasurer and marshal, as they shall think necessary; and all officers of said corporation shall take an oath before some justice of the peace, faithfully and honestly to discharge the duties of their said offices; and for any defalcation on the part of the treasurer or marshal, they shall be liable to judgment, by motion, at the instance of the mayor and aldermen, before any jurisdiction having cognizance of the amount or sum in controversy. Duty of Mayor and Aldermen.

Approved, March 2, 1848.

[No. 153.]

AN ACT

To amend the charter of the Tuscumbia Railway Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be lawful for the stock holders of the Tuscumbia Railway Company to meet in the town of Tuscumbia, on the first Monday in May next, and elect such number of directors, to manage and control the affairs of said company, as the said stockholders may deem expedient: *Provided*, the number of directors shall never be more than thirteen, nor less than three: *And provided further*, that there shall be at all times a quorum to transact business. Meeting of stockholders.

Sec. 2. *And be it further enacted*, That, to carry out the provisions of the foregoing section, it is hereby made the duty of John L. McRae, John F. Pride and David Deshler, any one of whom may act, to give at least thirty days notice, previous to the first Monday in May next, by advertisement in some newspaper, published in the town of Tuscumbia, of the time and place of holding said election; and when the said stock holders shall have met, it shall be lawful for them to vote either in person or by proxy, according to the provisions of the original charter of said company; and should it so happen, that the stock hol- Persons to advertise for meeting.

ders of said company should not meet on the first Monday in May next, as provided for in the first section of this act, it shall be lawful for them to meet at any other time, upon notice given as herein required, and make the election provided for; and the said directors, when so elected, shall, as soon as may be, choose one of their number President; and the said board of directors, when duly organized, shall have power to fill all vacancies that may occur in their number; and the appointments so made, shall continue until the next annual election.

Election of directors.

Sec. 3. *And be it further enacted*, That the annual election of directors, shall take place in Fucumbia, on the first Monday in May in each and every year, unless the board of directors shall determine to hold such annual election on some other day; and should said annual election, at any time not be held on the day appointed, it shall be lawful to hold said election on any other day, upon the notice being given by the President, as above required, of the time and place of holding the said election.

Books of subscription to be opened.

Sec. 4. *And be it further enacted*, That the said board of directors, when organized shall have power, and are hereby authorized, to cause to be opened at such time and place, and on such terms, as they may deem meet and proper, books for the subscription of such additional amount of stock to said railway company, for the repair and reconstruction of said railway as they may deem requisite for that purpose, not to exceed the sum of fifty thousand dollars; and the said railway company are hereby authorized to repair, reconstruct or manage said railway, to sell the same; to lease it for any term of years, or to amalgamate with any other company and generally to transact any and all business pertaining to the said railway company, and to do and perform all other things which may be needful and proper to carry out the objects and purposes of the original act of incorporation and this act.

Approved, Feb. 29, 1848.

[No. 154.]

AN ACT

To Incorporate the Hayneville Male and Female Institute.

Section 1, *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the Academy at Hayneville, formerly known and called by the name of the Hayneville Male Academy, shall be known and called by the name of the "Hayneville Male and Female Institute," and that

Name and style.

the title to said Academy be, and the same is hereby vested in Archibald Gilchrist, Peyton S. Alexander, Thaddeus Mather, Trustees. Edward W. Thompson and James M. Boling, and their successors in office, who are hereby declared to be a body politic and corporate by the name and style of the "Hayneville Male and Female Institute;" and by that name said Trustees shall have Powers. power to receive donations, borrow money, purchase, have and hold real estate in perpetuity, and also to sue and be sued, plead and be impleaded, and to recover all debts which may become due, owing or belonging to said Academy, as the property thereof, and to call meetings, make by-laws and regulations for their government, and in general to do all acts for the benefit of said Institution, which are incident to bodies corporate.

Sec. 2. *And be it further enacted*, That said corporation, Shall have perpetual succession by their name aforesaid, shall have perpetual succession of members in the manner following, to-wit: when any vacancy shall occur by death, resignation or removal, the said trustees, or a quorum thereof, consisting of three, shall have power to fill such vacancy.

Sec. 3. *And be it further enacted*, That a majority of said Trustees shall have power to frame the principal regulations for the government of said Institute, to appoint a teacher or teachers and to meet, when required by him or them, to aid in carrying such regulations into effect. Powers of trustees.

Approved, Feb. 25, 1848.

[No. 155.]

AN ACT

To Incorporate the Grand and Subordinate Divisions of the Order of the Sons of Temperance of the State of Alabama..

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That J. McCaleb Wiley, Grand Worthy Patriarch, and others, the officers and members of the Grand Division of the Order of Grand and Sub. the Sons of Temperance of the State of Alabama, and the Subor. divisions be incorporated. Divisions under its jurisdiction, and the several persons who now are, or shall hereafter be members respectively of said Grand Division, or the Subordinate Divisions under its jurisdiction, shall be and they are hereby declared to be bodies politic and corporate in name and in deed—the Grand Division by the name and style of the "Grand Division of the Order of the Sons of Temperance of the State of Alabama and its Temperance jurisdiction"—the Subordinate Divisions by their respective names and numbers; and by their names shall have perpetual succession of officers, and members, and each a common seal, with power to change, alter and make new the same, as often as said corporation shall judge expedient. Name and style.

Sec. 2. *And be it further enacted*, That the said Society and

Corporate ability
of divisions.

the several Divisions under its jurisdiction, shall each be able and capable in law to purchase, have, hold, receive, enjoy possess and retain to itself in perpetuity or for any term of years, any lands, tenements or hereditaments, of what kind or nature soever not exceeding the value of twenty thousand dollars; and to sell, alien, exchange, devise or lease the same, or any part thereof, as the said corporations shall think proper, and by their respective names to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any Court in this State of what kind soever; and to make such rules, orders and by-laws, not repugnant to the laws of this State, as may be necessary for the order, rule, good government and management of the same; and it shall be lawful for said Grand Division to constitute Subordinate Divisions, and to do all other things which may be necessary for the promotion of the interests of the Order.

May receive and
hold donations.

Sec. 3. *And be it further enacted*, That it shall be lawful for said corporations each, to take and hold forever, any charitable donation, or devises and bequests of lands not exceeding the value of ten thousand dollars, and to appropriate the same for their respective benefits, in such manner as they may determine.

Proceedings in
suits.

Sec. 4. *And be it further enacted*, That in all suits or actions brought by or against any of the said corporations hereby created, in any court of law or equity in this State, it shall not be necessary for their attorney or counsellor to produce the seal of the corporation which he represents or a power of attorney under the seal of the said corporation, to authorize him to appear and prosecute or defend any suit or action in their behalf; and the courts of law and equity aforesaid shall in all cases recognize their attorney or counsellor, in the same manner as in suits between individuals.

Act declared
public.

Sec. 5. *And be it further enacted*, That this act shall be deemed and taken as a public act, and notice thereof shall be taken in all courts of justice and elsewhere in this State, and shall be given in evidence in any trial of any kind or cause, without special pleading, and shall be liberally construed for fully carrying into effect the beneficial purposes hereby intended.

Approved, February 29, 1848.

[No. 156.]

AN ACT

To incorporate the town of Talladega.

Object of incor-
poration.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the town of Talladega be, and the same is hereby, incorporated, *solely* for the purpose of keeping the streets and public spring in repair, and doing such other work as

may be promotive of the health and convenience of the citizens of said town.

Sec. 2. *And be it further enacted*, That the corporate limits shall embrace the whole of section twenty-seven, in township eighteen, of range five, east, except the west half of the north west quarter of said section; and that Alexander J. Cotton, James G. L. Huey, Allen J. Weathers, James W. Riley, and James Donley, or a majority of them, are hereby authorized to hold an election in said town, on the first Monday in April next, for five Councilmen, inhabitants of said town; at which election, and every subsequent one, all persons shall vote who are qualified to vote for members of the General Assembly of this State; and in case a majority of the persons herein named refuse, or fail to hold such election, then the remainder, with such others as they may select, shall hold the same.

Corporate limits.

Persons to hold election for councilmen.

Qualification of voters.

Sec. 3. *And be it further enacted*, That the persons elected councilmen, as aforesaid, shall take the usual oaths of office, before entering on the discharge of their duties as such, before some justice of the peace; and they shall have power to fill all vacancies that may occur by death, resignation or otherwise, until an election can be held, as hereinafter prescribed; and shall appoint a Chairman, a Secretary and a Treasurer.

Councilmen to take oath.

Vacancies.

Sec. 4. *And be it further enacted*, That said councilmen shall hold their offices for one year, and until their successors are qualified, and the elections shall be held on the first Monday in January, and annually thereafter; that all elections subsequent to the first, shall be held and conducted by the councilmen, or any two thereof, appointed by the board for that purpose.

Term of office of councilmen.

Elections when held.

Sec. 5. *And be it further enacted*, That the councilmen shall lay off the town into as many wards, or districts, as they may think proper, and shall appoint an overseer for each district or ward. All persons in said town, liable to do road duty, shall be apportioned to the different overseers by the said councilmen, who shall, at least once in two months, examine the condition of each ward or district, and cause the overseer to be prosecuted, whose ward or district shall be out of repair, by reporting him to the grand jury.

Duty of councilmen.

Sec. 6. *And be it further enacted*, That the councilmen shall have power to call out all the hands in said town, liable to do road duty, to work on the public spring, or do any other work of general benefit to the town; and they shall have power to impose fines, not exceeding those now imposed upon road defaulters, upon the owners or hirers of slaves, and upon other persons liable, for failing

Hands may be called out to work streets, &c.

to do, or have done, such work as the overseer or councilmen command. and the chairman of the councilmen shall issue his execution for all fines thus imposed, directed to any constable of the county: *Provided*, that the councilmen shall hear excuses within ten days after such default.

Of overseers of streets.

Sec. 7. *And be it further enacted*, That the overseers, when appointed, shall continue in office for one year, and shall be liable to the same duties, and subject to the same penalties as overseers of roads are now, by law

How councilmen compensated.

Sec. 8. *And be it further enacted*, That the councilmen shall not be entitled to any salary, but while in office, and for six months thereafter shall be exempt from all street or town work; that all moneys which may come into their hands shall be faithfully applied to the improvement of the streets and spring, as in their judgment will best promote the public good and convenience.

Compelled to serve.

Penalty for refusal

Sec. 9. *And be it further enacted*, That the councilmen, when elected, shall be compelled to serve, and for refusal to accept, or failure to discharge the duties, as prescribed by this act, shall be subject to the same penalties apportioners of roads now are. Removal, or absence for two months, shall vacate the office of councilmen. Whenever more than one vacancy shall occur, by death, resignation, absence, or otherwise, the remaining councilmen, or, in the event all resign, remove, or otherwise, the sheriff of the county shall immediately, upon giving ten days notice, hold an election to fill the vacancies that have occurred.

Approved. Feb. 28, 1848.

[No. 157]

AN ACT

To amend an act, to incorporate the Madison Turnpike Company, approved 14th January 1834.

Preamble.

WHEREAS, by "an act approved 16th January 1844," the Mayor and Aldermen of the town of Huntsville were authorized to construct a Macadamised road from the western boundary of the corporate limits of said town to the junction of the Athens and Decatur roads; and whereas, the Mayor and Aldermen aforesaid, propose to sell the Macadamised road, constructed in pursuance of the act authorizing the same, to the Madison turnpike company, for a consideration agreed upon between them; Now therefore,

Section 1. *Be it enacted by the Senate and House of*

Representatives of the State of Alabama, in General Assembly convened, That upon payment of the purchase money, agreed upon by the Madison Turnpike Company, to the Mayor and Aldermen aforesaid, the said Mayor and Aldermen are hereby authorized to make a conveyance of all their right, title, interest and privileges in and to the road so constructed, as aforesaid, to the Madison Turnpike Company; and from and after the execution of the conveyance aforesaid, the said Madison Turnpike Company are hereby invested with all the rights and privileges, and subject to all the liabilities and responsibilities, which attach to the said Mayor and Aldermen, by the act aforesaid, approved 16th January 1844, so far as relates to said Macadamised road.

Section 2. Be it further enacted, That from and after the passage of this act, the following shall be the rates of toll at the gate on the road aforesaid, and at each gate on the road of the Madison Turnpike Company: For every twenty head hogs or sheep, twenty cents; for every twenty head of horned cattle thirty-seven and a half cents; for every horse, mule or jackass, not employed in drawing a carriage, four cent; and so on in proportion for any greater or less number of the above mentioned animals; for every four wheeled pleasure carriage thirty seven and a half cents; for every two wheeled pleasure carriage or buggy eighteen and three fourth cents; for every loaded wagon, containing not more than fourteen bales of cotton, thirty-seven and a half cents; for each bale of cotton over fourteen bales on such loaded wagon, twelve and a half cents; for every loaded wagon, containing not more than six thousand pounds, thirty seven and a half cents; for every four hundred pounds over six thousand pounds on such loaded wagon, twelve and a half cents; for every empty wagon, eighteen and three fourth cents; for every man and horse, twelve and a half cents; for every loaded cart, eighteen and three fourth cents; for every empty cart, twelve and a half cents; for every man coach, thirty-seven and a half cents: *Provided*, that the rate of tolls for man and horse, in every case in which the man may be a resident of the said county of Madison, shall be one half of the foregoing rate for man and horse, and that no toll shall be required, or charged for a man and horse in cases in which the man may be going to Huntsville to attend or returning home from any court, muster, general election, or the service of any cause in said town.

Sec. 3. And be it further enacted, That all laws contra-

vening the provisions of this act, be repealed; and this act shall be in force from and after the passage thereof.

Approved, Feb. 17, 1848.

[No. 158.]

AN ACT

To Incorporate the town of Havanna, in the County of Greene.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the town of Havanna, in the county of Greene, be, and the same is hereby incorporated; and there shall be elected on the first Monday in May eighteen hundred and forty eight, or within forty days thereafter, an Intendant and five councilmen for said town, and on the first Monday in March annually thereafter, an election shall be held for said officers.

Sec. 2. *And be it further enacted,* That the name and style of said corporation shall be, "the Intendant and Councilmen of the town of Havanna," and by that name they may sue and be sued, plead and be impleaded, and may hold property both real and personal, not exceeding three thousand dollars in cash valuation, and the same sell and dispose of in such manner as may be most beneficial to said town, and not inconsistent with the laws of the land.

Sec. 3. *And be it further enacted,* That James W. Harris, R. B. Allen, John McWalker, P. Jones, A. C. Allen, J. G. Eustis, or a majority of them, be, and they are hereby authorized to hold an election, in said town, on the first Monday in May next, or within forty days thereafter, for an Intendant and five councilmen; at which election, and every subsequent one, all persons shall vote, who are qualified to vote for members of the General Assembly of this State; and in case a majority of the persons herein named, refuse or fail to hold such election, then any other five persons, being citizens said town, may hold the same.

Sec. 4. *And be it further enacted,* That should any vacancy occur in said board of officers, it shall be the duty of the board to fill said vacancy; and annual elections shall be held on the first Mondays in March, or within ten days thereafter, by the Intendant and councilmen last in office, or a majority of them.

Sec. 5. *And be it further enacted,* That the boundaries of said corporation shall extend just half a mile in each and every direction from the *Havanna Hotel*, that being the central point; and that the Intendant and councilmen, or a majority of them, are hereby invested with full power to keep open the streets and alleys of said town; to preserve the peace and good order of the

Incorporated.

Election of councilmen.

Style.

Persons to hold first election.

Qualification of voters.

Vacancies.

Limits of corporate jurisdiction.

same; to fine for assaults and battery, in any sum not exceeding twenty-five dollars, and the same to collect; to keep the streets in repair; to prohibit, or regulate the sale of ardent spirits within said corporation; and may impose a fine not exceeding one hundred dollars, for every violation of the by-laws, for the purpose of carrying into effect the powers herein granted, and all other powers necessary for the good government of said town, not inconsistent with the laws of the State.

Sec. 6. *And be it further enacted*, That the said Intendant and councilmen shall have power to levy a tax on the inhabitants and property of said town, to raise money for the government and management of the affairs of said corporation; and that they shall on the day succeeding their annual elections, or as soon thereafter as may be convenient, select, by joint ballot, a clerk, treasurer and town marshal for said town; and it shall be the duty of the said clerk to issue all executions for fines and taxes that may be necessary, which he shall sign and deliver to the said Marshal, whose duty it shall be to collect and pay over the same to the treasurer. May levy tax.

Sec. 7. *And be it further enacted*, That the citizens of said corporation shall be exempt from road duty, other than within the corporate limits of said town. Citizens exempt from road duty.

Sec. 8. *And be it further enacted*, That said Intendant and councilmen shall have power to remove from office the clerk, treasurer, and marshal, upon satisfactory reasons, and appoint others; and shall fix the salary of each of said officers, and take bonds for the faithful performance of their duty. Power to remove officers.

Approved, Feb. 29, 1848.

[No. 159.]

AN ACT

To incorporate the town of Benton. in the county of Lowndes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the town of Benton in the county of Lowndes, be, and the same is hereby incorporated, and that all that tract of land embraced in the north half of fraction one, in township fifteen, and range twelve, of the district of land sold at Cahawba, together with one half of the Alabama river, lying along the said fraction, be, and the same is hereby declared to be, within the limits of the same. Corporate limits.

Sec. 2. *And be it further enacted*, That on the first Monday in April, in each and every year, or within sixty days thereafter, an election shall be held, at some public and convenient place in said town, for five trustees, who Annual election for trustees.

shall serve for the term of one year; which election shall be conducted by any two of the then acting trustees; and the said trustees shall, on the day succeeding their election, or within one week thereafter, in each and every year, meet and designate, by a majority of votes, from their own body, a President, whose duty it shall be to preside at all meetings of the trustees, and in his absence or incapacity to attend, any member may be called to the chair, and a majority of said board of trustees shall constitute a quorum to do business; and said board is hereby constituted and declared to be a body politic and corporate, by the name of the President and Trustees of the town of Benton, and by that name shall have and enjoy all the rights, powers, and privileges, and be subject to all the liabilities, that are incident to bodies corporate.

Sec. 3. And be it further enacted, That the said corporation shall have full and ample power to make such by-laws and ordinances as they may think proper for the good government of said town, and to affix such fines and penalties as may be deemed necessary to enforce the same: *Provided,* said laws and ordinances be not repugnant to the constitution and laws of this State, and of the United States.

Sec. 4. And be it further enacted, That the said corporation shall be authorized to raise a revenue to carry into effect all the objects of the corporation, by laying a tax upon all town lots, houses, sales at auction, and upon all species of merchandize vendued or sold by the merchants of said town: *Provided,* that said tax shall not exceed one half of the county tax.

Sec. 5. And be it further enacted, That the said corporation shall appoint a Constable, and such other officers as they may deem expedient.

Sec. 6. And be it further enacted, That the said Intendant shall, ex-officio, be invested with all the powers and authorities that justices of the peace are by the laws of this State, and shall and may exercise the same within the limits of the said corporation; and the said constable shall be vested with all the powers and authorities that constables of the county are by the laws of this State, and may exercise the same within the limits of said corporation; and the said intendant and constable shall be liable to the same restrictions and penalties as justices of the peace and constables of the county are.

Sec. 7. And be it further enacted, That should any vacancies occur in the said board, such vacancies shall be filled by the remaining members of the board, and the member or members so added shall continue in office until the suc-

Powers.

May raise revenue.

Constable.

Intendant, his powers.

Vacancies.

ceeding election, and the president, trustees, and other officers, shall continue in office until their successors are qualified.

Sec. 8. *And be it further enacted*, That the said president, trustees, and other officers, shall, before they enter on the duties of their respective offices, take an oath before some justice of the peace, faithfully and correctly to discharge the several duties imposed by this act, without favor or partiality. Officers shall take oath.

Sec. 9. *And be it further enacted*, That the said constable shall not only take the oath prescribed by this act, but shall, before he enters on the duties of his office, enter into bond, with good and sufficient securities, to be approved by the president of said corporation, conditioned faithfully to discharge all the duties of his said office, and promptly to pay over all moneys collected by him in virtue thereof; which bond shall be made payable to the President and Trustees of said corporation, and their successors in office. Constables bond.

Sec. 10. *And be it further enacted*, That Simeon Robbins, William H. Chambliss, and John M. Sadler, be, and they are hereby, appointed commissioners, to hold the first election for said Trustees, which election shall be held on the first Monday in April, eighteen hundred and forty-eight, or within thirty days thereafter, at the store house of John M. Sadler. Com'rs to hold election.

Sec. 11. *And be it further enacted*, That the election for said trustees shall commence at the hour of twelve o'clock, and be kept open until the hour of four in the afternoon; and that all freeholders, and householders, twenty-one years of age, and residing within the limits of the said corporation, be competent to vote for said trustees. When held.
Voters.

Sec. 12. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, Feb. 29, 1848.

[No. 160.]

AN ACT

To Incorporate the Alabama Mining Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Miguel D. Eslava, George McDonald and Peter E. Trastour, and such others as may hereafter associate with them, be, and they are hereby constituted a body corporate in fact and in name, by the name of the "Alabama Mining Company," for the Corporators.
Name and style.

purpose of working mines and minerals of any and every description whatsoever.

Corporate powers Sec. 2. *And be it further enacted,* That the company hereby incorporated shall be capable of purchasing, holding and conveying real and personal property, including goods, chattels and stocks, such and so much as shall be necessary to carry into effect the object of said corporation advantageously, not to exceed in the whole the amount of the capital stock of said company as hereinafter set forth.

In law. Sec. 3. *And be it further enacted,* That said company by its corporate name, shall have power and be capable of suing and being sued, pleading and being impleaded, answering and being answered in all the courts of judicature of the State of Alabama, having jurisdiction of the subject matter in dispute; and of contracting and being contracted with, relative to the business and purposes for which said corporation is created; and that said corporation shall have a common seal, and may alter, destroy or renew the same at pleasure.

Capital stock Sec. 4. *And be it further enacted,* That the capital stock of said company is hereby limited to, and shall never exceed the sum of two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

Subscription for stock. Sec. 5. *And be it further enacted,* That subscriptions to the capital stock of said company shall be regulated by the said Miguel D. Uslava, George McDonald and Peter E. Trastour, and their associates; also the time, place, when and where said subscriptions shall be taken, the amounts to be paid on subscribing, and the time or times when the remaining portion shall be paid in, with full power to regulate the whole matter, and to declare forfeitures under certain rules, when stockholders fail to comply; with full power to do all things that may insure the punctual payment of the several instalments of stock required, as they become due: *Provided,* that any regulation thus adopted shall be general, and operate on all subscribers alike: *and provided also,* that each subscriber shall be liable in his, her or their private capacity, for the amount of stock he, she or they may own in said corporation; and may be sued for the same.

When directors shall be elected Sec. 6. *And be it further enacted,* That as soon as the sum of twenty thousand dollars shall be subscribed, the stockholders subscribing the same, are hereby authorized to elect five trustees, who shall manage the property and concerns of said corporation, one of whom shall be elected President, by the other trustees; said trustees shall thereafter be chosen annually, on the first Monday in January, at such place as the trustees for the time being, shall direct; and a President shall be elected annually on the first Monday in January in each and every year, in manner aforesaid.

If no election. Sec. 7. *And be it further enacted,* That if an election of trustees or President should not be made on the day appointed in his act, or on some other day to which the stockholders may have altered the time, the corporation shall not for that be dissolved.

but may, on any other day hold an election for trustees as may have been provided by the by-laws of said corporation, and the trustees when elected, shall in like manner elect a President out of their own body, as in the preceding section.

Sec. 8. *And be it further enacted,* That the stock of said company shall be taken and deemed as personal property, which shall be assignable and transferable according to such rules and regulations as said trustees shall establish; and no stockholder indebted to said company, either for subscription or otherwise, shall be permitted to make a transfer of his stock, or receive a dividend until such debt be paid to the satisfaction of the said trustees. Stock deemed personal property

Sec. 9. *And be it further enacted,* That the stock of said corporation, and the transfers of the same (when made) shall be registered in a book, to be provided by the trustees, and kept by them, at or near the buildings of said Mining company, which shall at all times be open to the inspection of each and every stockholder. Stock to be registered.

Sec. 10. *And be it further enacted,* That it shall be the duty of the trustees to call or appoint meetings, and to notify the stockholders owning one third of the stock; and no meeting shall be competent for transacting business unless persons owning, collectively, the majority of the stock, shall be present in person or by proxy. Meetings.

Sec. 11. *And be it further enacted,* That the trustees for the time, or a majority of them, shall form a quorum for the transaction of all business pertaining to this corporation, and shall have power to make all such by-laws, rules and ordinances, as to them shall appear needful or proper touching the management and disposition of the property, money, estate and effects of said corporation, and they shall have power and authority to appoint and employ all such officers and servants as they may think proper, for the transaction of business and concerns of said corporation, and to displace such officers and servants at pleasure: *Provided,* such by-laws and ordinances shall not conflict with the constitution of the State of Alabama, or the United States. Quorum of trust.

Sec. 12. *And be it further enacted,* That the trustees shall keep at all times, or cause to be kept proper books of accounts, in which shall be regularly entered, all the transactions of the corporation, and they shall also keep regular minutes of all the proceedings of the meetings of said trustees, and of the stockholders, which books shall be at all times subject to examination of persons owning stock in said corporation. Books to be kept.

Sec. 13. *And be it further enacted,* That the trustees shall make such dividends of the profits of said company as shall be ordered by a majority at any time, of the stockholders of said corporation, and cause the same to be paid to the stockholders, or to whomsoever the profits may belong. Dividends.

Sec. 14. *And be it further enacted.* That the number of votes to which each stockholder may be entitled in any election, according to the foregoing provisions, shall be equal to the number of Votes of stockholders.

shares which he or she may hold, each share being entitled to one vote: *Provided*, that no stockholder shall be entitled to more than one hundred votes.

Corp. not to exercise banking priv. Sec. 15. *And be it further enacted*, That this corporation shall not have the privilege of exercising banking powers, nor of exercising any other powers not necessary and proper to carry out the foregoing granted powers, according to the true intent of the establishment of said corporation.

Corporate term 20 years. Sec. 16. *And be it further enacted*, That the said corporation shall continue and have being for the space of twenty years from and after the passage of this act: *Provided*, the Legislature does not alter or amend the same: *and provided*, the same is not repealed or annulled for mis-use or non-use.

Proviso.

Approved, March 4, 1848.

[No. 162.]

AN ACT

To incorporate the town of Guntersville in the county of Marshall.

Limits of town.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the tract of land, situated in the county of Marshall, and known and described as follows, that is to say: Beginning at the north west corner of fractional section number two, in fractional township number eight, in range number three, of lands subject to entry and sale at Lebanon, Alabama; thence south by the line of the United States survey, to the South west corner of said section; thence east to the south east corner of said section; thence north by said line of survey, until its intersection with Gunter's Creek; thence down, and by the middle of said creek, to its junction with the Tennessee river, thence down said river, on the south side thereof, at low water mark, to the place of beginning, is, and the same is hereby, declared to be included within, and to constitute the corporate limits of the town of Guntersville, and that the free white inhabitants dwelling within the said corporate limits, and their successors forever, shall be, and they are hereby, constituted and made a body politic and corporate, by the name of the town of Guntersville; and by that name may have and use a common seal, which they may alter at their pleasure, and may sue and be sued, implead and be impleaded, in any court; and may receive, purchase and hold property, real or personal not exceeding fifty thousand dollars in value, and may lease, sell, use or dispose of any such proper-

Corporate name and style.

tr, in any manner they may think proper, for the uses and benefit of said town.

Sec. 2. *And be it further enacted*, That the corporate powers of said town, shall be vested in, and exercised by, and through, an intendant and four councillors, who, when qualified and elected, as hereinafter provided, shall constitute a board, to be called the Intendant and Council of the town of Gantersville. Officers.

Sec. 3. *And be it further enacted*, That every free white male citizen of said town, who, by the laws now in force, is qualified to vote for members of the State Legislature, and who shall have paid all taxes and fines assessed against, or imposed upon him by the proper authorities of said town, and who shall, moreover, have had his domicile in said town for three months, next preceding any election for intendant and councillors, and no other than such persons, shall be qualified to vote for intendant and councillors of said town. Qualification of voters.

Sec. 4. *And be it further enacted*, That no person shall be eligible to, or qualified to fill, the office of intendant or councillor of said town, unless he was at the time of his election a citizen of said town. Qualification for office.

Sec. 5. *Be it further enacted*, That Toliver Furguson, Alfred G. Russell, Walter P. Macfarlane, and William H. Wiggs, or any of them, shall hold and manage an election, on the first Monday in July next, for intendant and councillors of said town; and all subsequent elections of said intendant and councillors of said town, shall be holden on the first Monday in July, in each and every year, at such public place in said town, as the intendant and council of said town, may by ordinance, direct and appoint; and all such elections shall be holden by and before the acting intendant and two councillors; or before the councillors of said town, and shall be by ballot, and conducted as elections for members of the State Legislature are conducted; and at such elections, four councillors shall be elected for said town. Sup. 1st of elect.

Sec. 6. *And be it further enacted*. That at the close of any such election, the officers conducting the same, shall cause the person receiving the highest number of lawful votes, as intendant, to be declared and proclaimed elected intendant for said town; and the four persons who shall have received the highest number of lawful votes as councillors to be declared and proclaimed elected councillors of said town; and in case of a tie, the officers conducting such election shall give the casting vote, and they shall give a certificate of his election to each person elected, and shall also certify the result of such election to the intendant and council of the town of Gantersville; and also, to the clerk of the county court, of Marshall county. Election to be declared.
In case of a tie.

Tickets shall be kept.]

Sec. 7. And be it further enacted, That it shall be the duty of the officers holding such election, to seal up the tickets or ballots, and the polls or lists of voters, taken at such election, and carefully keep the same for ten days, next succeeding any such election; and if within the said ten days, any person, being a qualified voter of said town, shall notify either of said officers that such election will be contested, it shall be the duty of said officers, forthwith to deposit the said tickets or ballots, and polls or lists of voters, sealed up as aforesaid, in the office of the clerk of the county court of Marshall county, who shall endorse thereon the time when, and the person by whom, the same was deposited in his office, and shall keep the same sealed up, until opened by order of the judge of the county court of Marshall county.

Any qualified voter may contest the election.

Sec. 8. And be it further enacted, That any person being a qualified voter of said town, may contest the election of any person as intendant or councillor of said town, in the following manner, and not otherwise, that is to say: the person desiring to contest such election, may within ten days after such election, give notice in writing, to the officers who conducted such election, and to the person or persons, whose election he intends to contest, of his intention to contest the same; and shall also within the said ten days, file a petition in the office of the clerk of the county court of Marshall county, addressed to the judge of said county, setting forth his intention to contest such election, and the grounds on which he contests the same; and it shall thereupon, be the duty of the said judge, by order in writing upon said petition, to appoint some day, not less than five, nor more than thirty days, from the filing of said petition, to hear and determine the same; and each party may proceed and take the affidavits of any witnesses, to be read in evidence, on the trial of such petition, upon giving the opposite party one day's notice of the time and place of taking the same, which affidavit may be taken by, and before, any justice of the peace, or acting intendant or councillor of said town, without any special commission to be issued for that purpose; and being sworn to and subscribed by the witnesses, and testified by the person taking the same, shall be received and read in evidence on the trial of such petition; and at such trial the judge may also receive the oral testimony of any competent witness, who may appear before him; and the judge of the county court of Marshall county, is hereby authorized to hear and determine any such contest, and to decide who is legally elected intendant or councillor of the town of Guntersville, or to declare said election void, and order a new election; and the decision

Proceedings where election is contested.

of the said judge, shall be filed in writing, upon, or with the said petition, and shall be deemed a record of said court, and shall be certified by the clerk of said court, to the intendant and council of the town of Guntersville; and such decision shall be final, and no appeal shall be taken therefrom.

Sec. 9. *And be it further enacted*, That it shall be the duty of the sheriff of Marshall county, to serve and return all such notices as are hereby required to be given; and he shall receive the same fees, as for serving notices in suits at law, to be paid by the person at whose instance the service was performed: *Provided, however*, that such notices may be served and proved by any credible person; *And provided, also*, that if any person on whom such notice should be served, shall be absent from said town at the time, the parties may proceed *ex parte* in such petition, and to take testimony *ex parte*, and the same shall be as good and valid, as if such notice had been actually given.

Duties of Sheriff
of Marshall County.

Sec. 10. *And be it further enacted*, That every person elected as intendant and councillor of said town shall, before he enters on the discharge of the duties of his office, take and subscribe an oath, that he will faithfully discharge the duties of his office, without fear, favor or affection; which oath may be administered and certified by the acting intendant of said town, or any justice of the peace for Marshall county; and the intendant and councillors shall hold their offices for one year from the time of their election, and until their successors in office shall have been duly elected and qualified, as herein provided; and may fill any vacancy arising in their own body.

Intendant & councilmen shall take
oath.

Sec. 11. *And be it further enacted*, That the intendant and council of the town of Guntersville, shall have power, and are hereby authorized to make all such ordinances and by-laws, not repugnant to the constitution and laws of this State, as they may think necessary and proper, for the good government of said town; to lay and collect taxes for the use of the corporation, not exceeding the county tax on the same kind of property taxed by the county; to regulate the mode of proceeding against persons not complying with or violating the ordinances or by-laws of said town, and to punish persons failing to comply with or guilty of violating the by-laws or ordinances of said town, by fine not exceeding twenty dollars for any one offence, or in case of disorderly conduct, contempt of the officers of the said town, or violation of the penal ordinances or by-laws of said town, by imprisonment in the jail of Marshall county, not exceeding twenty four hours for any one offence; and it is hereby made the duty of the sheriff and jailor of said county, to receive and keep in close custody any body committed to his custody by the proper officer of said

Powers of the
Intendant and
councilmen defined.

Shall be conservators of the peace

town, in like manner, and under like penalties, as if the commitment were made by a justice of the peace for Marshall county: *Provided*, that in case of any person being committed for a breach of any by-law or ordinance of said town, the said town shall pay the usual fees and charges to the sheriff and jailor, if the same are not paid by the prisoner.

Shall elect Clerk, Treasurer, &c.

Sec. 12. *And be it further enacted*, That the intendant and each councillor of said town shall be a conservator of the peace within the corporate limits of said town; and for all felonies, breaches of the peace, or any penal law of the State, or other crimes or misdemeanors committed within the corporate limits of said town, may proceed against the offender with the same power and jurisdiction, and in like manner, as any justice of the peace in Marshall county might lawfully do.

Intendant shall be ex officio a justice of the peace.

Sec. 13. *And be it further enacted*, That the intendant and council of said town shall elect and appoint a Clerk, a Treasurer, a Captain of Patrol, an Overseer of Streets, a Marshal, and such other officers of said town as they may deem necessary and proper; and may, by ordinance, prescribe the qualifications, powers and duties of such officers, and provide for the payment of such officers, by such salaries, or fees of office, as they may deem reasonable and proper; and the marshal of said town, upon giving bond and sufficient security, to be approved of by the intendant of said town, payable and conditioned as constable's bonds are required to be, shall be vested with the same powers, and perform all the duties, which any constable of Marshall county might lawfully do; for official neglect or default, may be proceeded against as such constable may be.

Powers of Int. and council in regard to streets.

Sec. 14. *And be it further enacted*, That the Intendant of said town shall be *ex officio* a justice of the peace for Marshall county, and may exercise and have all the powers and jurisdiction, both in civil and criminal cases, which any other justice of the peace for said county may now have and exercise.

Sec. 15. *And be it further enacted*, That the Intendant and council of said town may open any new street, or widen or change any existing street, by and with the consent of the owners of the land over or upon which the same would pass, or by paying to such owners such compensation therefor, as they may agree upon; but if the owners of the land over or upon which such street would pass, shall not consent to the same, the said intendant and council may petition the court of commissioners of roads and revenue of said county, to make an order, authorizing them to open such new street, or widen and change such existing street,

upon giving thirty days previous notice thereof to the persons so objecting, by personal service on such as are citizens of the town, or by putting up such notice at the court house door of said county if the persons so objecting are not citizens of said town; and any person, over or upon whose land such street would pass, may appear in said court, and oppose such order, and if the court shall be of opinion that such order ought to be made, any such person may apply for a writ of *ad quod damnum*, and the court shall thereupon cause a jury to be empanelled, to inquire of, and assess the damages which such person would sustain thereby; and such damages, so assessed, shall be paid, or tendered by the proper officers of said town, to the person or persons in whose favor the same were assessed, before the court shall make such order.

Sec. 16. *And be it further enacted*, That the Intendant, when present, shall preside at all meetings of the intendant and council of said town; and in his absence, the oldest councillor present shall preside at such meetings; and at least three members must be present at such meeting to constitute a quorum to do business; and the said intendant and council shall have regular meetings, at least once every month, at such time and place as they may, by ordinance, appoint, and may have a special meeting whenever they may think proper; and they shall keep a journal of all their proceedings, and shall, moreover, cause all by-laws and ordinances, which they may make, to be recorded in a separate, and well bound, book; and no by-law or ordinance, shall be valid, or take effect, until it shall have been so recorded, and signed by at least three of the members of the board of Intendant and Council of Guntersville, and such record book shall be kept by the clerk of said town, and be at all times, open to the inspection of any citizen of said town.

Int. when present shall preside at meeting; when absent the oldest councillor.

Sec. 17. *And be it further enacted*, That the intendant and council of said town are authorized and required to cause the roads, streets and alleys in said town to be kept in good order, and free from obstructions; and all such inhabitants of said town as are liable to work on public roads by the laws now in force, shall hereafter be liable to work on the roads, streets and alleys of said town, not more than ten days in any one year; and they shall be, hereafter, free and exempt from working on, or opening any, road not within the corporate limits of said town: *Provided, nevertheless*, that the said intendant and council may exempt any such inhabitant from doing such work, for one year, upon his paying into the treasury of said town, such sum of money, not exceeding ten dollars, as the said intendant and council may, by ordinance, prescribe, to be used in

Roads, streets & alleys to be kept in repair.

Patrol may be
established.

keeping the said streets, roads and alleys in good order.

Sec. 18. *And be it further enacted.* That the intendant and council of said town may establish a sufficient patrol in and for said town; and all such inhabitants of said town as are now by law liable to do patrol duty, shall hereafter be liable to do patrol duty in said town; and shall also, hereafter, be free and exempt from doing any other patrol duty than such as they may be required to do by the proper officers of said town.

Repeals.

Sec. 19. *And be it further enacted.* That all laws and parts of laws inconsistent with, or contrary to the provisions of this act, be, and the same are hereby repealed.

Approved, Feb. 3, 1848.

[No. 163.]

AN ACT

To incorporate the City Insurance Company of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That there shall be established in the city of Mobile a company, for the purpose of transacting the business of Marine, Inland and General Insurance, which company shall be called and known by the name of the "City Insurance Company of Mobile;" and all such persons as shall be stockholders of said company, and their successors, shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatever. And they, and their successors, may have a common seal, and may change and alter the same at pleasure. And also, they, and their successors, by the name, style and title of the "City Insurance Company of Mobile," shall be in law capable of purchasing, holding and conveying all kinds of estate whatever, real or personal, for the use of said corporation, subject to the restrictions hereinafter mentioned. That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same to three hundred thousand dollars, whenever the board of Directors deem it expedient, divided into shares of fifty dollars each; five dollars on each share to be paid at the time of subscribing, and the remainder by such instalments as the directors shall appoint: *Provided, however,* that the first board of directors, to be chosen as hereinafter directed, shall, within one month after their appointment, take good and satisfactory

Corporate name
and style.

And gen. powers.

Shall have suc-
cession.

Capital stock,
\$100,000, may
be increased.

Pr. iso.

security, to consist either of bank or other stock, at two thirds of the value thereof in the market, or deeds of trust on real estate within the city of Mobile, at not exceeding two thirds of its cash value exclusive of buildings, unless the same be insured. for the payment of the said remaining amount of stock unpaid at the time of subscribing as aforesaid, whenever it shall be deemed expedient to call for the same, or satisfactory notes for the balance.

Stock unpaid to be secured.

Sec. 2. *And be it further enacted*, That it shall be lawful for the president and directors of said company, or a majority of them, to alter and change the securities, as aforesaid, from time to time, for securities of the same nature, as they may deem expedient.

Securities may be changed.

Sec. 3. *And be it further enacted*, That subscriptions shall be opened in the city of Mobile, for the said shares, on the third Monday in March next, (1848,) under the superintendence of Wm. Jones, Jr., James Battle, Robert A. Baker, Allen E. Saunders, Newton St. John, Thomas P. Miller, Robert Desha, Wm. Stewart, David Solomon, E. Lockwood, John Reed, Jr., or any three of them; which said subscription shall continue open until fifty thousand dollars be subscribed; but no share or shares shall entitle the holder to vote at any election, unless the same shall have been held bona fide, by him or her, at least fifteen days next immediately before such election.

Subscription to be opened for stock.

Sec. 4. *And be it further enacted*, That there shall be chosen seven Directors, who shall hold their office for one year, and until their successors shall be duly qualified, which directors, at the time of their election, and during their continuance in office, shall be holders in their own right of at least ten shares, and shall be elected annually, after the first election, at the office of said company, or any other convenient place in the city of Mobile, and at such time of the day as the president of the company shall appoint; of which election notice shall be given in a newspaper, published in the city of Mobile, at least seven days next before said election. And said election shall be by ballot, and in person or by proxy; and each stockholder shall be entitled for every five shares to one vote; and that if no election takes place, on any such day, the president may order the same, from time to time, until an election be effected, provided the same be done within sixty days thereafter.

7 directors to be elected.

Elected annually.

Elections how conducted.

Sec. 5. *And be it further enacted*, That directors of said company, in the first instance, shall be chosen in the following manner, viz: as soon as fifty thousand dollars shall have been subscribed, the said Wm. Jones, Jr., James Battle, Robert A. Baker, James E. Saunders, Israel I. Jones, Newton St. John, Thomas P. Miller, Robert Desha, Wm.

How first directors to be chosen.

Stewart, David Solomon, E. Lockwood, and John Reed, Jr., before named, shall appoint a place in the city of Mobile, for the proceeding to the election of the said seven directors, and shall give at least seven days notice of the same, in a newspaper printed in the said city; and it shall be lawful for said election to be then and there holden by the subscribing stockholders, by ballot, under the before mentioned persons, or a majority of them, and the persons then and there chosen shall be the first directors. and shall serve for one year, and until their successors shall be qualified; that they shall meet as soon as convenient after the election, and choose out of their own body a President, who shall serve until another board, by election, be qualified; and in case of vacancy, the directors shall choose another of their body, in like manner.

Sec. 6. And be it further enacted, That the directors or a majority of them shall have power to make, prescribe and alter such by-laws, rules and regulations as to them shall appear needful and proper, for the management and disposition of its stock, property, estate, and effects: *Provided,* they shall not be repugnant to the constitution and laws of this State.

Sec. 7. And be it further enacted, That the President and two directors, or three directors, in the absence of the President, shall have full power and authority on behalf of the corporation to make general insurance upon vessels, buildings, freights, moneys and all goods, wares and merchandise, and to fix premiums for the same; also to transact all such matters as appertain to an insurance company, and all policies by them made, subscribed to by the President or two Directors, and countersigned by the Secretary shall be binding and obligatory upon the said corporation in like manner, and with like force as if under the seal of said corporation.

Sec. 8. And be it further enacted, That said corporation shall not deal in any goods, wares or merchandise whatsoever.

Sec. 9. And be it further enacted, That no insurance shall be made until the securities provided for by this act shall have been given, and if within sixty days after subscribing any stockholder shall neglect to furnish the said security for the stock remaining unpaid on each share he shall forfeit his first payment.

Sec. 10. Be it further enacted, That all contracts for the payment of money by the said corporation shall be under the seal of the same, and shall be taken to operate as specialties in law.

Sec. 11. And be it further enacted, That this act shall

Powers of direct.
to make rules &
bye-laws.

How insurance
to be made.

Restriction.

Forfeited stock.

Contracts how
made.

continue and be in force for and during thirty years from the day on which it shall be approved by the Governor.

Charter for 30 years.

Sec. 12. *And be it further enacted.* That the capital stock and property of said company shall at all times be liable to the same rates of taxation as the property of individuals or like corporations in this State.

Liable to taxation

Approved, March 4, 1848.

[No. 164.]

AN ACT

To Incorporate the Cahawba River Bridge Company, at Cahawba.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That a stock company shall be established for the purpose of building a toll bridge across the Cahawba river, at any point on said river not less than half a mile nor more than five miles by the meanders of the river, from the mouth thereof, to be selected by three commissioners to be appointed by said company for the purpose; the capital stock of which company shall not exceed twenty five thousand dollars, divided into shares of fifty dollars each. *Provided,* that said bridge shall not be so constructed as to injure the navigation of said river.

Company established.

Bridge located.

Sec. 2 *And be it further enacted,* That subscriptions towards constituting said company shall be opened in the town of Selma under the superintendence of Henry Frow, Hugh P. Ferguson and Thomas J. Frow, or a majority of them; in the town of Marion Perry county, on the first Monday in May next, under the superintendence of James C. Harrell, John Cunningham and A. P. Langdon, or a majority of them; and in the town of Cahawba, in the county of Dallas, on the first Monday in May next, under the superintendence of James D. Craig, Joseph Babcock and Richard C. Crocheron, or a majority of them, and remain open at least two days, at each time of opening said books, or until a sum sufficient in their opinion shall be subscribed to build said bridge; five dollars to be paid on each share at the time of subscribing, and the balance when called for by the President and directors.

Subscriptions to be opened.

Sec. 3. *And be it further enacted,* That the subscribers to the said company, their successors and assigns shall be and they are hereby created a body corporate and politic by the name and style of President and Directors of the Cahawba Bridge Company at Cahawba, and by that name shall be and are hereby made able and capable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, action, matter or thing depending in any court of law or equity, and also to make and use a common seal, and the same to break, alter or renew at pleasure; and also to make, ordain, establish and put in execution such bye-laws and regulations as they may deem ne-

Declared a body corporate.

cessary for the government of said company, not incompatible with the laws of this State.

Organization.

Sec. 4. *And be it further enacted*, That for the management of said company, the stockholders shall annually, on the first Monday in January in each and every year, elect three directors, by the qualified stockholders of said company, and by a plurality of votes, giving one vote for every share of fifty dollars, and the said directors, so chosen, shall be capable of serving until the next annual election, or until their successors are qualified; and the board of directors shall annually elect at the first meeting after their election, one of the directors to be President of said corporation, who shall hold his office one year, or until his successor is elected: *Provided*, that when a vacancy shall occur by resignation or otherwise, the board shall have power to fill said vacancy from any stockholder.

Notice shall be given.

Sec. 5. *And be it further enacted*, That as soon as a sufficient sum is subscribed, notice thereof shall be given in some public newspaper printed in Dallas county, and at the same time a notice shall be given of the time and place of holding the first election, at least ten days previous to the time of said election.

Called meetings.

Sec. 6. *Be it further enacted*, That it shall be lawful for the directors to call a general meeting of the stockholders at any time they may deem necessary and expedient, and any number of the stockholders owning at least one third of the stock, shall have power at any time to call a general meeting, giving at least twenty days notice in a newspaper, and stating the object of said meeting.

Corporate term and rates of toll.

Sec. 7. *And be it further enacted*, That the property of the aforesaid bridge when built, shall be and the same is hereby vested in the said corporation for the term of thirty years, and they may demand and receive on the completion of said bridge, toll according to the following rates to-wit: for every four wheel carriage fifty cents; for every wagon fifty cents; for every two wheel pleasure carriage twenty five cents; for every cart twenty five cents; for every man and horse twelve and a half cents; for each loose horse three cents; for each foot passenger five cents; for each head of cattle two cents; for each head of sheep or hogs two cents.

Liability.

Proviso.

Sec. 8. *And be it further enacted*, That it shall be the duty of said corporation to keep said bridge in good repair, as long as they may think proper to receive toll; they shall be held bound for all injuries which may be sustained in passing said bridge: *Provided*, said injury result from the negligence of the keeper, or from want of repairs to the bridge.

Road to be laid out.

Sec. 9. *And be it further enacted*, That it shall be the duty of the commissioners appointed to select a site for said bridge, also to select a site for a road leading to and from said bridge, and mark out the same and apply to the Judge of the County Court, and Commissioners of Roads and Revenue for a jury to assess the damages for the land the road may pass through, and also for the timber used in the erection of said bridge, whose duty

it shall be to appoint said jury, and as soon as the damages shall be paid by said company, to order the road to be opened, under the same rules and restrictions as other public highways, and which road shall be of the first grade until it shall intersect other roads.

Sec. 10. *And be it further enacted*, That the county court of the county in which said bridge shall be erected, shall be and they are hereby authorized whenever it may in the opinion of the Judge thereof, be deemed necessary, to appoint suitable commissioners to inspect the situation of the bridge, and if a majority of them shall report that the bridge is not in good order and fit for passengers, the court shall have power to suspend the collection of toll until said bridge shall be put in good repair.

Approved, Feb. 29, 1848.

[No. 165.]

AN ACT.

To incorporate the Lafayette Branch Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened*, That Atchison Finlay, Benjamin L. Goodman, P. T. Richardson, Britton Stamps, Thomas K. Smith, Sen., Thomas Taylor, John R. Alford, Thomas L. Penn, and Isaac Parks, be, and they are hereby, appointed commissioners, any five of whom shall be competent to act and do all business necessary to be done, by virtue of this act of incorporation; and under the direction of a majority of whom subscriptions may be received to the capital stock of the Lafayette Branch Rail Road Company; and they shall cause books to be opened in the town of Lafayette, and such other places as they may think proper, for the purpose of receiving subscriptions, from time to time, to the capital stock of said company, until the sum of fifty thousand dollars shall be subscribed; and shall give such public notice, not less than twenty days, of the time and place of the opening of said books, as they may think proper.

Sec. 2. *And be it further enacted*, That the capital stock of said branch rail road shall not exceed one hundred and fifty thousand dollars, in shares of one hundred dollars each; and so soon as fifty thousand dollars shall be subscribed, the subscribers of said stock, their successors and assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name of the Lafayette Branch Rail Road Company; and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying

Powers.

real, personal and mixed property, so far as shall be necessary for the purposes hereinafter mentioned; and by said corporate name may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of law or equity in this State, or elsewhere; to have and use a common seal, to alter and change the same at pleasure; to pass such by-laws, rules and ordinances, for the good government of said corporation, as to them may seem proper; and generally to do and exercise all matters and things necessary to carry into full and complete effect all the objects of this act.

How stock shall be subscribed.

Proviso.

Sec. 3. *And be it further enacted*, That the sums subscribed to said capital stock shall be paid in such instalments, and at such times, as may be deemed most expedient, by the president and directors of said company: *Provided*, that not more than one half of the subscription be demanded in any one year, from the commencement of the work, nor any payment demanded until at least thirty days public notice shall have been given of such demand, by the president and directors; and if any subscriber shall fail or neglect to pay any instalment of said subscription thus demanded, for the space of thirty days next after said subscription shall become due and payable, said president and directors shall be authorized to sell said stock at auction, giving thirty days public notice of such sale; and said stock shall be deemed and considered in law as personal property.

When 500 shares are sub. com'rs. shall call a gen. meeting.

Directors to be elected.

President to be elected.

Proviso.

Sec. 4. *And be it further enacted*, That as soon as five hundred shares shall have been subscribed, the commissioners hereby appointed shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least fifteen days notice thereof; and at such meeting the said commissioners shall lay the subscription books before the subscribers then and there present, and thereupon the said subscribers, or a majority of them in value, (each share constituting a vote,) shall elect five directors, by ballot, to manage the affairs of said company; and the directors thus chosen shall elect, from among themselves, a President of said company, and may allow him such compensation for his services as they may think just and proper; and in said election, and on all other occasions wherein a vote of stockholders of said company shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her: *Provided*, any stockholder may, and they are hereby authorized to appear and vote by proxy. The commissioners aforesaid, or any three of them, shall be judges of said first election of directors.

Sec. 5. *And be it further enacted*, That the president and directors of said company shall be chosen annually, on the first Monday in June, at Lafayette, by the stockholders of said company; and if any vacancy shall occur by death, resignation, or otherwise, of any president or director, before the year for which they were elected shall expire, a person or persons shall be chosen to fill such vacancy, for the residue of the year, by said president and directors, or a majority of them; and the president and directors shall hold and exercise their office until their successors are chosen and qualified; and all elections which are, by this act, or the laws of said company, to be made on a certain day, or at a particular time, if not made on such day, or at such time, may be made at any time within thirty days thereafter.

President & directors to be chosen annually.

Vacancies.

Sec. 6. *And be it further enacted*, That the president and directors of said company, before they shall act as such, shall swear, or affirm, as the case may be, that they will severally discharge their official duties to the best of their skill and ability.

Oath of pres't. and directors.

Sec. 7. *And be it further enacted*, That, at the regular annual meeting of the stockholders of said company, it shall be the duty of said president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company, for the information of the stockholders; make and declare such dividends as they may deem proper of the nett profits arising from the resources of said company, after deducting the current expenses; and they shall divide the same among the proprietors of the stock of said company, in proportion to their respective shares.

Annual report to be made,

Sec. 8. *And be it further enacted*, That the said President and Directors shall have power to call meetings of the stockholders at any time, stating in the call, the business intended to be done, and none other shall be transacted at such called meeting. A majority of the stock holders in value, either in person or by proxy, shall be necessary to transact business; and at such called meetings, a majority of stockholders in value, shall have power to remove any President or Director, for cause, and appoint others in their stead.

Meetings of stock holders may be called.

Sec. 9. *And be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever as they may deem necessary for the transaction of the business of said company, and may remove any of them at pleasure; and a majority of them shall have power to determine, by contract, the compensation for all engineers, officers and

Powers of pres't. and directors.

servants in the employ of said company; and to determine by the by-laws, the manner and evidence of all transfers of stock in said company; and a majority of said board of Directors shall have power to pass all by-laws, which they may deem necessary and proper, for exercising all the powers vested in the company, hereby incorporated, and for carrying into effect this act: *Provided*, that such by-laws shall not be contrary to the constitution of this State, or of the United States.

May borrow money.

Sec 10. *And be it further enacted*, That the President and Directors of said company, or a majority of them, are empowered to borrow money to carry into effect the objects of this act; to issue certificates, or other evidences of such loan; and to pledge the property of the company, for the payment of the same, and its interest.

Vested with powers to construct road.

Sec. 11. *And be it further enacted*, That the President and Directors shall be, and they are hereby invested with all the rights and powers necessary to the construction and repair of a rail road from the town of Lafayette in the county of Chambers, to intersect, or connect with the Montgomery and West Point rail road at some suitable point between Chehaw and West Point; said point of connection to be determined upon by the President and Directors of said company *Provided*, the Montgomery and West Point Rail Road Company give their consent for so connecting and intersecting with said road.

May contract for land.

Sec. 12. *And be it further enacted*, That the said President and Directors shall be, and are hereby authorized to, contract for, and receive conveyances for land, stone, or gravel, henceforth, which may be required in the construction of said branch rail road; and when the owners and company cannot agree, or when the owner is an infant, or non-compus mentis, then it shall be lawful for said President and Directors, or their agent, to apply to any justice of the peace for a warrant, directed to the sheriff of the county, commanding him to summon a jury of seven disinterested free holders, a majority of whom shall be authorized to assess the damages, under the same rules and regulations now established by law, in cases of other roads; said jury shall forthwith assess the value of said land, stone, gravel and timber, subject to the right of an appeal to the Circuit court, by either party, who shall think themselves aggrieved, when the trial shall be *de novo*, by a jury as in other cases; and the land, stone, gravel and timber so contracted for, or condemned, shall inure to the said company, upon the payment of the money to the person contracted with, or into the Court, as the case may be; and the whole proceedings shall be entered of record in said Court.

When owners & company cannot agree, a jury may be summoned to assess damages.

Land & timber to be condemned.

at the expense of said company; *Provided, however,* that the said work shall, in no wise, be delayed on account of the proceedings had as aforesaid; but the said company, on tendering the amount, to which the land, stone, gravel or timber, shall have been valued, to the owner, or depositing the same in the office of the clerk of said Court, may proceed with the work as though no appeal had been taken.

Sec. 13. *And be it further enacted,* That the said President and Directors, after having had the tract, upon which said Branch Rail Road is to run, surveyed and selected, may proceed to let the same to contract; *Provided,* That they give twenty days notice of the time and place of letting the same to contract; and the said road, with all the works, improvements and machinery for transportation, used on said road, are hereby vested in said Company and their successors.

May let the road to contract after survey.

Proviso.

Sec. 14. *And be it further enacted,* That in case any person shall wilfully injure or obstruct, in any degree, the said road, he shall forfeit and pay to the President and Directors of said Company, three times the amount of all damages which they may sustain in consequence thereof, to be sued for and recovered in the same manner as provided for by law for individuals, in like cases; and on complaint made to any magistrate, within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind over the person or persons so offending, with sufficient security for his or her good behavior, for a term not less than one year; and such offenders shall, also, be subject to indictment, and shall be sentenced at the discretion of the Court, to be imprisoned not less than six, nor more than eighteen months, in the common jail of the county.

Penalty for injuring road, &c.

Sec. 15. *And be it further enacted,* That, after the completion of said road, or any part thereof, the said President and Directors may lay and collect toll from all persons, property, merchandize, or other commodities transported thereon.

When company may collect toll

Approved, Feb. 7, 1848.

[No. 166.]

AN ACT

To authorize certain persons therein named, to lease the Canal constructed around the Muscle Shoals in the Tennessee River in this State, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

Names of com'rs. That the following named Commissioners, viz: Sidney C. Posey, Nicholas Davis, Samuel D. Weakly, Jonathan P. Cunningham, Robert M. Patton, Nathaniel Terry, Joseph G. Garrett, Charles H. Patton, William Auslin, Luther T. Thustin and Jonathan Burleson, of said State, be, and they are hereby authorized to lease, let, and demise unto a company, or association of individuals, the Canal constructed around the Muscle Shoals in the Tennessee river, in the county of Lauderdale, in this State, with all its fixtures, appendages, and appurtenances, for a period of time not beyond ninety-nine years.

Authorized to lease.

Length of lease.

Lessee to use timber, &c. free of charge.

Sec. 2. *And be it further enacted*, That said Commissioners are authorized and empowered to permit the lessees of said Canal to take and use, free of any charge, any timber, stone, gravel, earth, or convert any stream of water, situated on the land adjacent said Canal, and which was sold under the act of the General Assembly of this State, approved the fifteenth day of January 1831, entitled "an act to enable the State of Alabama, to sell and dispose of certain reserved lands therein named;" in which said act, a reservation for the use of said Canal, of any timber, stone, gravel, earth or stream of water, on said reserved lands, was made.

Lessees bound to commence the repairs within 12 months from the approval of the contract, and to complete them in 3 years thereafter

Bound also to lengthen locks.

Farther duties.

Sec. 9. *And be it further enacted*, That said Commissioners shall bind the lessees of said Canal to commence the repairs and re-construction thereof, within twelve months after the approval of the contract of lease, as hereinafter provided, and complete the same within three years after said commencement. They shall also, bind the lessees to lengthen the locks, so as to permit the passage of the longest steamboats navigating the Tennessee river, but they shall not require the locks to be increased in width. They shall also bind said lessees to open and clear out the channel of said Canal; re-construct or repair the dams and bridges across the several creeks emptying into said Canal; increase the number and length of the waste ways, and the number of the flood gates, if, in the opinion of said Commissioners, they be necessary to the security of the embankments; and they shall bind said lessees to do all other repairs which they may deem necessary, to make said Canal what it was originally designed to be, suitable to the navigation of any class of steam boats that have or may navigate the Tennessee River, above said Muscle Shoals.

Duties continued.

Forfeit bond.

Sec. 4. *And be it further enacted*, That said Commissioners shall bind said lessees to keep said Canal in good repair; and if, at any time after the Canal shall have been thoroughly repaired, and in good navigable order for steam boats, and other water crafts, usual on said river, the same shall, by freshets or otherwise, be broken or out of repair, then, and in that event, said Commissioners shall bind the lessees to repair the same, with all possible dispatch; and said lessees shall forfeit their lease, if they permit the same to remain broken and unfit for navigation as above stated, for a period longer than six months, unless they make

satisfactorily appear, that it was impossible to have repaired the same in said period of six months.

Sec. 5. *And be it further enacted*, That said Commissioners shall give at least three months notice of the time, place and terms of leasing said Canal, to be published in such newspapers as the Commissioners may deem proper; and they shall receive no proposition unless it be in writing, and accompanied with sufficient guaranties, that the work will, in good faith and in due time, be done; and in awarding the lease, regard shall be had to the shortest period of time proposed for the lease; and also, to the competency and ability of the proposing parties to fulfil their contract.

Notice of terms of lease to be given.

Sec. 6. *And be it further enacted*, That said Commissioners have full power, so to arrange the terms and conditions of the contract of lease, as to insure the most certain, constant and practicable navigation of said Canal for steam boats and other water crafts as aforesaid; and also, to make any additional stipulations, as to remodeling the locks, gates and other portions of said Canal that they may deem necessary to effect the ends indicated by this act: *Provided*, such alterations do not conflict with the spirit of this act, and the act of Congress, approved twenty third May 1828, granting four hundred thousand acres of certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee river, &c.

Power of com'rs.

Sec. 7. *And be it further enacted*, That a majority of said Commissioners shall constitute a quorum to transact business; they shall have power to elect a President and Secretary, the former shall be from among their body; and when they shall have completed the contract of lease, which shall be in triplicate form, they shall retain one copy; give the lessees one copy, and they shall transmit the other copy to the Governor of the State for his approval. If the Governor approve the contract, he shall endorse his approval on the copy sent him, and cause the same to be recorded by the Secretary of State, and filed among the archives of this State, and certify his approval of the contract under his hand and the great seal of the State, in duplicate; one certificate to be directed to the President of said Commissioners, and the other to the lessees of said Canal; and said contract shall then be binding, and of valid force, not subject to alteration or change, unless by the joint consent of the lessees and the Legislature of this State.

Quorum of com'rs — power of.

Copies of lease. to whom given.

Copy to be filed in Sec. of State's office.

Certificates of approval, to whom sent.

Sec. 8. *And be it further enacted*, That said lessees, after the contract of lease shall have been ratified and approved, as provided in the seventh section of this act, shall, from that time forward, they and their successors and assigns, be considered a body politic, under the name and style of the "Muscle Shoals Canal Company," and shall by that name be capable and liable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, action, matter or thing depending in any court of law or equity; to have a common seal, and the same to alter at pleasure; and to make, estab-

Body politic.

Name and style.

lish and enforce such by-laws, ordinances and regulations as they shall deem necessary for the government of said corporation, not being contrary to the laws of the United States or of this State.

Further powers.

Sec. 9. *And be it further enacted,* That said "Muscle Shoals Canal Company," they and their successors and assigns, shall be capable of purchasing, holding and conveying all kinds of estate, whether real or personal, for the use of said company: *Provided,* they shall not, at any one time, own or hold more than fifty thousand dollars worth of property, real or personal; nor shall they exercise banking privileges or powers. They shall have power, when said Canal is completed, to demand and receive, the Congress of the United States having first assented thereto, the following rates of toll from all such steamboats or other water crafts, as may go in or through said Canal, either ascending or descending viz: a toll or tonage duty at a rate not to exceed forty cents for each ton of the registered measurement of such boat or water craft, that shall become liable for toll as aforesaid; and the sum of twenty dollars upon each flat or keel boat that may pass through said Canal, as aforesaid: *Provided however* that all public property, whether belonging to the United States, or the State of Alabama, and all persons or boats in the service of either, shall be exempt from the payment of any toll or duty; and said company shall not be compelled to open their gates for the passage of any boat or craft, not excepted as aforesaid, whose captain, owner, or person in charge thereof, shall refuse or neglect to pay said tolls after demand is made; and any captain, owner, or other person in charge as aforesaid, who shall neglect or refuse to pay the rates of toll as aforesaid, shall be liable to be sued, or the boat of which they have charge, liable to process of attachment or libel for the amount of toll due, together with fifty per cent damages; and said boats or other vessels and their owners shall be liable for the same, together with costs of suit, to be collected before any court of competent jurisdiction; and all laws now in force for the protection of said Canal, and to prevent its destruction in any way, are hereby extended, so as to apply to said Canal whilst under the control and management of said company.

Rates of toll.

Public officers & property exempt from toll.

Penalty for refusing to pay toll.

Term of office.

Name and style.

Vacancies how to be filled.

Sec. 10. *And be it further enacted,* That said Commissioners shall hold their offices for the term of six years and shall be known and styled as "the Tennessee Canal Commissioners;" and should a vacancy or vacancies occur by death, resignation or otherwise, then such vacancy or vacancies shall be filled by the Governor of this State; and when vacancies occur, by the expiration of the term of office, for which said Commissioners are appointed, they shall be filled by the appointment of the Governor.

To rep biennially

Sec. 11. *And be it further enacted,* That it shall be the duty of the said Muscle Shoals Canal Company, to make biennial reports to said Commissioners, on or by the first Monday in November in each year in which the Legislature of this State shall hold its

regular sessions, giving a general expose of the affairs and condition of said Canal, and embracing such details, in regard to the statistics of the trade in the Tennessee river, as said Commissioners may require; and said Commissioners shall make biennial reports to the Legislature of this State, of all matters touching said Canal, which may be deemed of a public and general nature.

Com'rs to report.

Sec. 12. *And be it further enacted*, That whenever said Company shall have completed the repairs of said Canal, as contemplated by this act, and in pursuance with the contract of lease aforesaid, they shall notify said Commissioners to meet on the Canal at some suitable period, in order to examine said Canal so repaired: and if, in the opinion of said Commissioners, after a full and careful examination, the work and repairs have been done in accordance with said contract of lease, then they shall approve and receive the work, and so certify their approval and reception to the said company, and to the Governor of this State; but if they should not approve the same, they shall refuse to receive said Canal, and direct the company to comply with the contract of lease; and in case of the refusal of said company to complete or fulfil their contract, the said Commissioners shall report the same to the Governor of this State, who shall lay said report before the next Legislature thereafter, for such action as it may deem proper to take in the premises.

Com'rs notified to meet,

Required to examine work and make report.

Further duties.

Approved, February 25, 1848.

[No. 167.]

AN ACT

To to Incorporate the Alabama and Tennessee River Rail Road company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That James E. Saunders, Joseph W. Lesesne, of Mobile county; John W. Lapsley, Thornton B. Goldsby, of Dallas county; Daniel E. Watrous, of Shelby county; Richmond Nickles, of Marshall county; James Neal and William Horton, of St. Clair county, be, and they are hereby appointed Commissioners, any five of whom may act, and do all business necessary to be done under this act, preparatory to the organization of the "Alabama and Tennessee River Rail Road Company;" and they shall open books of subscription for the capital stock of said company, at such time and places, and with such notice, not less than thirty days, as they may think proper.

Names of com'rs.

Corporate name

Sec. 2. *And be it further enacted*, That the capital stock of said Rail Road company may be one million of dollars, in shares of twenty-five dollars each, with the privilege of

Capital stock \$1,000,000.

increasing to one million and a half, should said increase be found necessary for its construction and future management.

Extent of road,

Sec. 3. *And be it further enacted*, That said Rail Road shall extend from some point on the Alabama river, at, or near the town of Selma, in the county of Dallas, to some convenient point on the Tennessee and Coosa Rail Road, and may be, and hereby is, authorized to connect with the same.

When \$100,000
subscribed stock
holders vested
with powers.

Sec. 4. *And be it further enacted*. That, as soon as one hundred thousand dollars shall have been subscribed to the capital stock of said Company, the subscribers of said stock, their successors and assigns, shall be, and they are hereby declared to be incorporated into a company, by the name of "the Alabama and Tennessee River Rail Road company;" and by that name shall be capable in law, of purchasing, holding, leasing, selling and conveying real, personal and mixed property, so far as shall be necessary for the purposes of this incorporation; and by said incorporated name, may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State, or elsewhere; and to have and use a common seal, and the same to alter or amend at pleasure; to pass such by-laws, rules and ordinances, for the good government of said corporation, as to them may seem proper; and generally do all things necessary to carry into effect fully and completely the objects of this act.

Defined.

When \$50,000
subscribed, com.
shall call a meet-
ing and organiza-
tion shall be had.

Sec. 5. *And be it further enacted*. That, as soon as fifty thousand dollars shall have been subscribed, the Commissioners hereby appointed, shall call a general meeting of the subscribers, at such time and place as they may appoint; and, at such meeting, the said subscribers, or a majority of them in value, shall elect nine Directors, by ballot, to manage the affairs of said Company; and the Commissioners, as aforesaid, or any three or more of them, shall be judges of said first election of Directors; and the Directors, thus chosen, shall elect among themselves, a President of said Company, and allow him such compensation as they may think proper; and on all occasions, whenever a vote of stockholders shall be necessary to be taken, each stockholder shall be allowed one vote for every share owned by him or her, and any stockholder may depute any other person to vote and act for him or her, as his or her proxy.

rest & Direct.
osen annually.

Sec. 6. *And be it further enacted*, That the President and Directors of said Company shall be chosen annually by the stockholders of said Company; and if any vacancy shall occur by death, resignation, or otherwise, of any

President or Director, before the year for which they were elected, shall have expired, such vacancy shall be filled by the President and Directors, or a majority of them; and that the President and Directors shall hold their office until their successors are chosen and qualified; shall have power to call meetings of stockholders at any time; and a majority of stockholders shall have power to remove the President or any Director, and to fill all vacancies occasioned by removal, at pleasure.

Sec. 7. *And be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary to carry on the business of said Company, and may dismiss them at pleasure; and a majority of them shall determine the compensation of all officers, engineers, and servants of said Company; shall have power to pass all by-laws which they may deem necessary and proper, for exercising all the powers vested in this Company for carrying into effect the objects of this act; *Provided only* that such by-laws shall not be contrary to the laws of this State, or of the United States; and said President and Directors, or a majority of them are empowered to borrow money to carry into effect the objects of this act: to issue certificates, or other evidences of such loan, and to pledge the property of said Company for the payment of the same, with interest.

May appoint officers.

Define their duty

Proviso.

Sec. 8. *And be it further enacted*. That the said president and directors shall have power to require the stockholders of said company to pay such instalments on their respective shares of stock in said company, and at such time as they may think best for the interest of said company; and upon the failure or refusal of any stockholder to pay the instalment required on his, her or their stock, in pursuance of any call made by said president and directors, as aforesaid, said president and directors may, upon giving thirty days notice, proceed to sell, at public sale, the share or shares of said stock owned by such stockholder, or such part as they may think proper, to the highest bidder; and if, upon the sale of the shares of said stock, owned by said defaulting stockholder, said stock should be sold for less than the amount due upon instalments as above mentioned, said stockholder shall be liable to pay to the said company the deficiency, in manner and form hereafter specified.

May require stockholders to pay instalments.

Sec. 9. *And be it further enacted*, That upon the failure or refusal of any stockholder to pay any instalment called for, or demanded, by the president and directors of said company; or if, upon the sale of said shares, as before

Forfeited stock

specified, they shall be sold for less than the amount due upon instalments, as above mentioned, the president and directors, upon giving twenty days notice to said defaulting stockholder, may proceed, by their attorney, to move the Circuit Court of the county in which said stockholder may reside, for judgment against the said stockholder, for the amount called for by the president and directors of said company; or, as the case may be, for any deficiency that may occur in the sale of said stock, as above specified; and said court is hereby authorized and empowered and required to render judgment against the said defaulting stockholder, at the same term of the court at which said motion is made; which judgment, so given, shall be a lien on the real or personal property of said stockholder; and execution shall issue as upon other judgments. for the amount of said judgment and cost; and all notices hereby required to be given to any defaulting stockholder, shall be issued by, and in the name of, the Secretary to the Board of Directors, and served by the sheriff of the county in which the stockholder may reside, and shall be returned to the office of the clerk of the court, as in cases of common writs; and the sheriff shall be entitled to one dollar for serving said notice, which, with all costs that may accrue on said proceedings, shall be paid by the party against whom judgment may be rendered.

resident and directors may contract for land.

to be observed in case of agreement.

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Sec. 10. *And be it further enacted*, That the president and directors of said company are hereby authorized to contract for, and receive conveyances of land, stone, timber and wood, which may be necessary or required in the construction of said rail road; and when the owner and company cannot agree upon the price, or when the owner is an infant, non-resident, or *non compos mentis*, then it shall be lawful for the president and directors of said company to apply to the sheriff of the county in which said lands or other property may be situated, who shall summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, and return their award or judgment to the next term of the Circuit Court for the county in which said land or other property may be situated, which shall be entered by the clerk as the judgment of the court; and execution may issue thereupon for the amount of said judgment and costs: *Provided, always*, that if either party shall, upon the return thereof, be dissatisfied, they may, upon filing bond, with good and sufficient security, in such sum as the court may order, be allowed an appeal to the next term of the Circuit Court, where said case shall stand for trial *de novo*: *Provided, also*, thirty days notice shall have been given

to the opposite party, issued by the clerk of the court, and served by the sheriff of the county.

Sec. 11. *And be it further enacted*, That the jurors trying said case, shall take the following oath: which oath the sheriff is hereby authorized to administer: "You, and each of you, do swear (or affirm, as the case may be,) that you will well and truly try the case now pending, and submitted to your decision, between A. B. complainants, and the President and Directors of the Alabama and Tennessee River Rail Road Company, defendants; and that you will take into consideration the advantages and value which the construction of the rail road may give to lands or other property, as well as the injury said lands or other property may sustain by its construction through, or near which it may be constructed.—So help you God."

Oath of jurors.

Sec. 12. *And be it further enacted*, That the said lands or other property, when so condemned and estimated, as aforesaid, shall entire to, and become the property of said company forever, upon the payment, by said company, of the amount assessed by said jury to the party claiming damages on account of the construction of said road through said lands, or for such other property: *Provided*, that said works shall, in no wise, be delayed on account of the proceedings had as aforesaid.

When lands condemned.

Sec. 13. *And be it further enacted*, That in case any person shall wilfully injure, or obstruct in any degree, the said road or roads, he shall forfeit and pay to the president and directors of said company three times the amount of all damages they may sustain in consequence thereof; to be sued for and recovered in the same manner as provided by law for individuals in like cases; and on complaint made to any magistrate, within whose jurisdiction such offence shall be committed, it shall be the duty of such magistrate to bind the person or persons so offending, with sufficient security, for his or their good behaviour, for a period of not less than one year; and such offender shall, also, be subject to indictment, and shall be sentenced, at the discretion of the court, to be imprisoned not less than three nor more than six months.

Penalty for injuring or obstructing the road.

Sec. 14. *And be it further enacted*, That in the construction of said rail road, the president and directors of said company shall not, in any way or manner, obstruct any public road now established; but shall provide convenient passages to travel over said road.

Restriction on company.

Sec. 15. *And be it further enacted*, That payments of the subscription to the stock in said rail road may be made in the materials, labor, provisions, and all and every thing necessary for the construction of said road, which the

How payments may be made.

board of directors, at their discretion, may deem expedient to accept.

When toll may be collected.

Sec. 16. *And be it further enacted.* That, after the completion of said road, or any part thereof, the said president and directors may lay and collect tolls from all persons, property, merchandize, and other commodity transported thereon: *Provided*, the nett profits of said road shall never exceed twenty-five per cent per annum.

Reservation.

Sec. 17. *And be it further enacted,* That the General Assembly reserve the right and power to authorize the construction of any rail road to cross the one authorized by this act, at any point the General Assembly may think proper

Restriction as to banking.

Sec. 18 *And be it further enacted,* That nothing in this act shall be so construed as to confer upon said company any right to exercise the powers of a Banking company, or to issue any description of paper, or evidences of debt, intended as circulation.

Approved, March 4, 1848.

[No. 168.]

AN ACT

To Incorporate the Washington and New Orleans Telegraph Company.

Names of incorporators.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Samuel T. B. Morse, Amos Kendall, John J. Haley, William Knox, Charles T. Pollard, Joseph J. Winters, F. M. Gilmer, Jr. John Whiting, John Henry, William Stewart, James Battle and Robert Desha, and their associates, who have acquired, or may acquire, from said Morse, the right to construct and carry on the Electro Magnetic Telegraph, by him invented and patented, through this State, on the route leading through Alabama, by way of Montgomery, Cahawba and Mobile to New Orleans, are hereby created a corporation and body politic, for the purpose of erecting and maintaining a line of said Telegraph, on the route aforesaid, and transmitting intelligence by means thereof, under the name and style of the Washington and New Orleans Telegraph Company.

Created body corporate.

Name and style.

Size of shares & how distributed.

Section 2. *Be it further enacted,* That the stock of said Company shall consist of shares of fifty dollars each, to be issued to the original owners of the patent right, and to those who have heretofore, or may hereafter, furnish funds for the construction and improvement of said line of Tele-

graph, as the owners and subscribers have heretofore, or may hereafter, agree upon: *Provided*, that funds to be raised for the construction of said Telegraph, putting the same in operation, and from time to time adding to, and improving it, shall be only sufficient for these purposes, and shall not be invested or employed for any other purposes whatever. Am't of funds.

Sec. 3. *Be it further enacted*, That the corporators aforesaid, or any one or more of them, acting under the direction of a majority of said corporation, shall be and are hereby empowered to take such steps as they may deem expedient, to procure subscriptions for the completion of said lines, according to existing contracts, or such as may be hereafter made, to collect the money subscribed, and to disburse them for purposes of construction, and to perform all other acts necessary to expedite the procurement and proper application of the funds aforesaid. Corporators empowered to procure subscriptions.
Collect and disburse.

Sec. 4. *Be it further enacted*, That said corporation shall have the power to build or purchase any connecting or side lines, having acquired the right to do so from the owners of Morse's patent, and may enlarge their capital for that purpose. Empowered to build connecting lines, upon condition.

Sec. 5. *Be it further enacted*. That, as soon as the line of Telegraph shall be completed and in operation from Washington to New Orleans, the said corporators shall, by advertisement in at least one newspaper published in every city on the line, where subscribers for two thousand dollars of stock may reside, to call a meeting of the subscribers and proprietors of the patent right, constituting the corporate body, herein created, at such place as may be most convenient for a majority of the subscribers, for the purpose of choosing a President and Board of Directors, a Secretary and Treasurer, for the management of their affairs. When line completed corporators shall give notice.
Organization shall be had.
Annual meetings shall be held.
Special meetings may be held.
Annual meetings of said corporations shall be held at such times and places as may be prescribed by the stockholders at their first meeting; and at any subsequent annual meeting; and special meetings shall be called by the President and Directors, whenever, in their opinion the interests of the Company may require it, or where it may be demanded by persons holding one third of the Stock. Such reasonable notice shall be given of the time and place of such meeting as may be prescribed by the by-laws of the corporation. In case of the death or resignation of any director, a majority of the Board shall have power to elect another to fill his place.

Sec. 6. *Be it further enacted*, That the President, Directors, Secretary and Treasurer shall hold their offices for one year, and until their successors shall be elected, and Term of office of officers.

shall exercise such powers pertaining to the building and management of said Telegraph, not incompatible with the constitution and laws of the State, and of the United States, as may be authorized by the by-laws of said corporation.

Of elections and votes.

Sec. 7. *Be it further enacted*, That at every election, each share shall entitle its holder to one vote, and absent stockholders may vote by agents, or proxies, producing written authority. In case of a tie, the election shall be decided by lot: *Provided*, that all stockholders, owning ten shares, and under, shall be entitled to one vote, and the owners of more than ten shares, shall be entitled to one vote for every ten shares; so that the whole amount of votes of any stockholder shall not exceed thirty.

Corporate powers in law.

Sec. 8. *Be it further enacted*, That the Telegraph company, hereby incorporated, shall have power to sue and be sued, complain and defend, in any court of law or equity, having competent jurisdiction, to make and use a common seal, and the same to alter at pleasure; to purchase and hold such real and personal estate, as the lawful purposes of the corporation may require, and the same to sell and convey when no longer so required; to appoint such officers and agents as may be necessary to manage the business of the corporation, and allow them a suitable compensation; and to make by-laws not inconsistent with any existing law, for the management of its property, the regulation of its affairs, and the issue and transfer of its stock.

May connect lines

Sec. 9. *Be it further enacted*, That the corporation hereby created shall have power by contracts with other persons or bodies politic, to connect their lines of Telegraph with lines out of this State.

Powers in constructing lines & placing fixtures.

Sec. 10. *Be it further enacted*, That the Magnetic Telegraph Company, shall have power to set up their fixtures along and across any of the roads, streets or waters of this State, without its being deemed a public nuisance, or subject to be abated by any private person; the said fixtures to be so placed as not to interfere with the common use of such roads, streets and waters, or with the convenience of any land owner, more than is unavoidable; but the said corporation shall be responsible for any damage which any person or corporation may sustain by the erection, continuance and use of such fixtures; and in every action brought for the recovery thereof, by the owner or possessor of any land, the damage to be awarded may, at the election of such corporation, include the damages of allowing the said fixtures permanently to continue, on payment of which damages, the right of the corporation to continue such fixtures, shall be confirmed, as if granted by the parties to the suit: *Provided*, that no person or body politic shall

be entitled to sue for, or secure damages as aforesaid, until the said corporation, after due notice, shall have failed or refused to remove, in reasonable time, the fixtures complained of. And every person who shall destroy, or commit a trespass upon the fixtures of said corporation, erected in pursuance of the authority hereby given, actually interrupting, or with intent to interrupt, the operations of the Telegraph, shall pay to the said corporation one hundred dollars for such offence, and shall be further liable for all damages which said corporation may suffer in repairing the injury, and in the interruption of their business, to be recovered in an action of trespass.

Sec. 11. *Be it further enacted*, That it shall be lawful for the company hereby incorporated, or others, proprietors of Morse's Electro Magnetic Telegraph, to construct lines of telegraph along the common roads and streets of this State; along all turnpikes, rail roads, and canals, for the purpose of communicating between any of the towns and villages in this State, or beyond its limits, and the main line of said company, and with each other, subject to all the terms and conditions of this act contained.

Lines may be constructed along roads, streets, &c

Sec. 12. *Be it further enacted*, That the said corporation shall be bound on application of any of the officers of this State, or of the United States, acting in the event of any war, insurrection, riot, or other civil commotion, or resistance of public authority, or in the prevention and punishment of crime, or the arrest of persons charged or suspected thereof, to give to the communications of such officers immediate dispatch; also, to the communications of any person or persons whatsoever; and if any officer, clerk or operator of said company, or any other telegraph company, shall refuse, or wilfully omit to transmit such communications, or shall designedly alter or falsify the same for any purpose whatever, he shall be subject to indictment, and on conviction, subject to fine and imprisonment, not less than fifty, nor exceeding one thousand dollars fine for every such offence, one half to be paid to the party complaining, the other half to the county where the trial is had; and not less than thirty days, nor more than six months imprisonment, in proportion to the aggravation of the offence, upon conviction thereof before any court of competent jurisdiction. For transmitting such communications, the company shall charge no higher price than for private communications of the same length.

Corp. to give true communication & despatch.

The U^s S. this State, or any person.

Penalty for refusal or for altering or falsifying such communications.

Sec. 13. *Be it further enacted*, That dividends of so much of the profits of the company as shall be deemed expedient, be declared semi-annually, in the months of January and July in each year: *Provided*, that no dividend

Dividends.

shall be declared which shall impair the capital stock of said company.

Comp. may purchase improvements.

Sec. 14. *Be it further enacted*, That the said company shall have the power and authority to purchase out the right of any improvements that may be made in the magnetic telegraph, from time to time.

When this act to take effect.

Sec. 15. *Be it further enacted*, That this act shall take effect from the date of its passage, and shall be deemed a public act: *Provided*, that nothing in this act shall be so construed as to give said company any exclusive privilege, or prevent the chartering of any other telegraph company in this State.

Penalty for interrupting communication by tel.

Sec. 16. *And be it further enacted*, That it shall be a misdemeanor, punishable as misdemeanors are punishable at common law, for the same person, a second time, actually to interrupt, by any means whatever, the operation of said telegraph, or any other telegraph established by law.

When offices shall be established in towns,

Sec. 17. *And be it further enacted*, That said company shall establish a telegraph office in any town and village in this State, through which the proposed line shall pass, whenever the citizens thereof, or of its vicinity, shall subscribe and pay in towards the construction, putting in operation and improving of said telegraph line, the sum of four thousand dollars; and upon said citizens subscribing and paying said sum of four thousand dollars, according to the calls hereafter to be made, they shall be entitled to be considered as members of said corporation, and entitled to all the privileges of this act.

Approved, March 3, 1848.

[No. 169.]

AN ACT

To change the Chancery practice in the County of Lawrence.

In cases where Chancellor has been of council any attorney may make decree.

Section 1, *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter, in all cases pending in the Chancery Court for the county of Lawrence, in which the Chancellor of the Northern Division shall have been of counsel, either for the complainants or respondents, it shall be lawful, upon the suggestion and agreement of the Attorneys engaged in said causes, to substitute any Attorney in place of said Chancellor, to try said causes, whose decree shall have the same force and effect, as if rendered by the regular Chancellor.

Approved, February 29, 1848.

[No. 170.]

AN ACT

To make Coffee County a part of the tenth Chancery District.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the county of Coffee be, and the same is hereby made, a part of the tenth Chancery district, the courts of which shall be holden in Troy, as heretofore, and by consent of parties, any suit in Chancery now pending at Abbeville, may be transferred to the Chancery Court in said tenth District, and the Register shall certify the record, and send there the original papers, with a transcript of the proceedings, which transcript shall, in all respects, stand in lieu of the original entries.

Approved, February 11, 1848.

[No. 171.]

AN ACT

Providing for an additional Term of the Chancery Court in Dallas County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter the Chancellor of the Middle Chancery Division of this State, besides the term of the Chancery Court held in Dallas county in June, as now provided for by law, shall hold a term of said court, on the first Monday in December in each and every year, and shall hold said term for one week, unless the business therein pending be sooner disposed of; and all laws and parts of laws, in conflict with the true intent and meaning of this act, be and the same are hereby repealed.

Add'l. term to be held, & when.

Approved, Feb. 22, 1848.

[No. 172.]

AN ACT

Requiring an additional Term of the Chancery Court in the thirty-second District, composed of the county of Madison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter the Chancellor of the Northern Chancery Division be, and he is hereby required, to hold an additional term of the Chancery Court, for the thirty-second Chancery District, composed of the county of Madison, on the first Monday after the fourth Monday in November, in each and every year, and continue in session one week.

Add'l. term to be held & when.

Approved, March 1, 1848.

[No. 173.]

AN ACT

To fix the time of holding the Court of Chancery in Barbour County, and for other purposes,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, there shall be regularly held in every year, two Terms of the Court of Chancery in Barbour county, on the first Mondays in May and November.

Two terms to be held in each year

When holden.

Sec. 2. *Be it further enacted,* That the Court of Chancery for the eighth District, shall be holden on the second Monday in November, and for the tenth District on the third Monday in November in each and every year.

Regular court not held, special term may be.

Sec. 3. *Be it further enacted,* That should the Chancellor fail from sickness, or any other cause, to hold said Courts at the time hereby fixed by law, that he shall have power to call terms of said Courts at such time as he may see fit, giving twenty days notice by publication in some paper in said Division of the time of holding said court or courts.

Sec. 4. *Be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Court may be adjourned & cont'd

Proviso.

Sec. 5. *Be it further enacted,* That the Chancery Courts in the counties and several districts above named, may at each term thereof, be adjourned and continued from day to day, till the business be disposed of: *Provided however,* that at the first term holden in Barbour county in May next, any cause shall be continued of course, at the request of either party.

Approved, March 3d, 1848.

[No. 174.]

AN ACT

Supplementary to an act to change the time of holding the Courts in the ninth Judicial Circuit, approved February twenty-six, 1848.

Operation suspended as to Randolph county;

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the act entitled "an act to change the times of holding the Courts in the ninth Judicial circuit," approved February twenty-six 1848, be suspended in its operation till the first Monday in September next, as to Randolph county; and that after that time, including the said first Monday, the same shall have full force and effect, as to the said county of Randolph.

Approved, March 3, 1848.

[No. 175.]

AN ACT

To change the time of holding the Criminal Court of Mobile county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Criminal Court of Mobile county shall hereafter be holden on the first Monday of December in each and every year, instead of the first Monday in November as heretofore prescribed by law. When held.

Approved, Feb. 29, 1848.

[No. 176.]

AN ACT

To enlarge the term of the Chancery Court for the county of Lauderdale and for other purposes.

Section 1: *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter the Chancery court for the county of Lauderdale shall be held for two weeks, unless the business is sooner disposed of. May hold for two weeks.

Sec. 2. *And be it further enacted,* That the Chancery court for the county of Franklin, shall hereafter be held on the third Monday in May, in each year, instead of the second as heretofore. When held in Franklin.

Sec. 3. *Be it further enacted,* That all process heretofore issued, or which may hereafter be issued, returnable to said Chancery court of Franklin county on the second Monday of May, shall be held returnable to the said Court on the third Monday in May as provided for in this act. Process.

Approved, Feb. 11, 1848.

[No. 177.]

AN ACT

To change the time of holding the Circuit Courts of the counties of Blount, Walker, Marion and Fayette and Marshall.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter the terms of the Circuit courts of the counties of Marshall, Blount, Walker, Marion, and Fayette, shall commence and be holden as follows, to-wit :

Marshall.

In the county of Marshall, on the second Monday in March and September, in each year, and continue one week.

Blount.

In the county of Blount, on the third Mondays of March and September, in each year, and continue one week.

Walker.

In the county of Walker, on the fourth Mondays of March and September, in each year, and continue one week.

Marion.

In the county of Marion, on the first Mondays after the fourth Mondays in March and September, in each year, and continue one week.

Fayette.

In the county of Fayette, on the second Mondays after the fourth Mondays in March and September, in each year, and may continue two weeks.

Process.

Sec. 2. *And be it further enacted*, That all writs, process, bonds and recognizances now returnable to the said courts, or hereafter to be issued returnable to the said courts as now holden, shall be deemed returnable to said courts, as the same are fixed by this act.

Sec. 3. *And be it further enacted*, That the provision of this act shall not take effect, until after the Spring term, 1848, of the several courts herein referred to.

To take effect.

Sec. 4. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, March 4, 1848.

[No. 178.]

AN ACT

An act supplemental to an act "to change the time of holding the Courts in the ninth Judicial Circuit, passed at the present session of the General Assembly."

Talladega.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, the Circuit court for Talladega county, shall commence on the 9th Monday after the first Mondays in March and September, and continue three weeks.

DeKalb.

Sec. 2. *And be it further enacted*, That from and after the first of August next, the Circuit court of DeKalb county shall continue only one week; the Circuit court of Cherokee shall commence on the second Monday after the fourth Mondays in March and September, and continue two weeks; the Circuit court of Benton county shall commence on the sixth Monday after the fourth Mondays in March and September, and continue until the business is finished.

Benton.

Approved, March 4, 1848.

[No. 179.]

AN ACT

To change the time of holding the Circuit Court of Marengo county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter the terms of the Circuit Court in and for Marengo county, shall be begun and held on the eighth Mondays after the fourth Mondays in March and September, in each and every year, instead of the times heretofore prescribed by law; and all writs, processes, &c. When held. Of process. heretofore issued, or which may hereafter be issued, returnable into said court, at the time now prescribed by law for the holding of the next term thereof, shall be returned into said court on the eighth Monday after the fourth Monday in March, instant; and all causes, pleadings, and proceedings therein, shall be had and prosecuted accordingly.

Approved, March 6, 1848.

[No. 180.]

AN ACT

To authorize the transfer of certain cases from the Criminal Court for Mobile to the Circuit Court of said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That any case now pending in the Criminal Court for Mobile county, wherein the presiding judge may have been the prosecuting attorney for the State, shall, on the application of the defendant, be transferred to the Circuit Court of said county for trial.

Approved, March 4, 1848.

[No. 181.]

AN ACT

To alter the time of holding the Circuit Courts in the Sixth Judicial Circuit.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the Circuit Courts in the Sixth Judicial Circuit shall commence and be holden as follows:

Choctaw.

In the county of Choctaw, on the first Mondays in March and October.

Washington.

In the county of Washington, on the second Mondays in March and October.

Clarke.

In the county of Clarke, on the third Monday in March, and continue one week, and on the third Monday in October, and continue two weeks.

Monroe.

In the county of Monroe, on the fourth Monday in March and continue two weeks, and on the second Monday after the third Monday in October, and continue two weeks.

Baldwin.

In the county of Baldwin, on the second Monday after the fourth Monday in March, and the fourth Monday after the third Monday in October.

Mobile.

In the county of Mobile, on the third Monday after the fourth Monday in March, and continue until the business is finished, and on the fifth Monday after the third Monday in October.

Approved, March 6, 1848.

[No. 182.]

AN ACT

To change the time of holding the Circuit Courts in the ninth Judicial Circuit.

Randolph.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Circuit Court of Randolph county shall hereafter commence on the first Monday in March and September in each year, and continue one week. That the Circuit Court of the county of Chambers shall hereafter commence on the first Monday after the first Monday in March and September in each year, and continue two weeks. That the Circuit Court in the county of Russell shall hereafter commence on the third Monday after the first Monday in March and September in each year, and continue two weeks. That the Circuit Court in the county of Macon shall hereafter commence on the fifth Monday after the first Monday in March and September in each year, and continue two weeks. That the Circuit Court in the county of Tallapoosa shall hereafter commence on the seventh Monday after the first Monday in March and September, and continue one week. That the Circuit Court in the county of Talladega shall hereafter commence on the eighth Monday after the first Monday in March and September in each year, and continue three weeks.

Chambers.

Russell.

Macon.

Tallapoosa,

Talladega,

Sec. 2. *And be it further enacted,* That all writs and process now returnable to the said courts, or hereafter to be

issued, returnable to said courts as now holden, shall be ^{Process.} deemed returnable to the said courts as the same are fixed by this act.

Sec. 3. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

Approved, Feb. 26, 1848.

[No. 183.]

AN ACT

To change the times of holding the Circuit Courts of the second Judicial Circuit.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several Circuit Courts of the second Judicial Circuit of the State of Alabama, shall hereafter be held as follows, to wit:

For the county of Covington, on the second Mondays of March and September, and continue one week; for the county of Conecuh, on the third Mondays of March and September and continue one week; for the county of Butler, on the fourth Mondays of March and September, and continue two weeks; for the county of Wilcox, on the second Mondays after the fourth Mondays in March and September, and continue two weeks; for the county of Lowndes, on the fourth Mondays after the fourth Mondays in March and September, and continue two weeks; for the county of Dallas, on the sixth Mondays after the fourth Mondays in March and September, and continue in session three weeks, and as much longer as the business of the court may require; and jurors shall be drawn and summoned as by law now required, twenty-four for each week of said court, so long as it may continue in session: *Provided*, that jurors shall not be summoned for more than three weeks at each session, before the commencement of the court; but it shall be lawful for the presiding judge at said court, at any time during the term, to cause a jury to be drawn under his direction, and summoned forthwith, for the fourth week of said court.

When held in
Covington.

Conecuh.

Butler.

Wilcox.

Lowndes.

Dallas.

Jurors.

Proviso.

Sec. 2. *And be it further enacted*, That all recognizances, writs, and other process, returnable to said courts, as required by the existing law to be holden, shall be returnable to the terms of said courts, to be holden as by this act directed: *Provided*, that this act shall not take effect until after the Spring term of the Circuit Courts of said counties.

Process.

Proviso.

Approved, March 4, 1848.

[No. 184.]

AN ACT

To establish a new beat in the county of Cherokee.

Bounds of new
beat.

Shall be organi-
zed.

Proviso.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all that portion of territory in Cherokee county lying within the following limits, to wit: beginning on the east top of the Lookout Mountain, opposite the mouth of Bear Creek; thence across said mountain with said creek to the west top; thence up said mountain to a gap at John Howell's; thence across said mountain back to the east gap, so as to include Thomas Blake and Thos. McDaniel; thence with the meanders of the same to the beginning; shall form a new beat, and shall be numbered accordingly, in the regiment of which it forms a part; and shall be organized, and elect officers, civil and military, as other regularly constituted beats are by law authorized to do: *Provided*, that any person or persons, living within the bounds herein prescribed, holding office in the beat of which this new beat is formed, shall hold their office or offices as if this law had not been passed.

Approved, March 3, 1848.

[No. 185.]

AN ACT

To form a new Regiment in the county of Pickens.

98th Reg. estab-
lished

How laid off and
bounded.

Shall be organi-
zed.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That there be an additional regiment formed from the thirty-fourth and fifty ninth regiments in the county of Pickens, to be styled and known as **Regiment ninety-eighth, fifth Brigade, second Division, Alabama Militia.**

Sec. 2. And be it further enacted, That the Colonels, Lieutenant Colonels, and Majors of the thirty-fourth and fifty-ninth regiments, of Pickens county, be, and they are hereby, appointed a committee to lay off and establish the bounds of said additional regiment.

Sec. 3. And be it further enacted, That it shall be the duty of the Brigadier General to order an election for a Colonel, to command the regiment so formed, in accordance with the Militia laws now in force.

Approved, March 2, 1848.

[No. 186.]

AN ACT

To form an additional beat in the county of Dale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That John Snell, Matthew Johnson, Malcomb Carmichael, John Walden, and Thomas Dawsey, Sen., or a majority of them, be, and they are hereby, authorized to designate, or mark out if necessary, a line dividing beat No. 8, in the county of Dale, into two equal parts, and in such a manner as to suit the convenience of the citizens thereof, and the beat so founded shall be considered an additional beat in said county. Persons to bound new beat.

Sec. 2. *And be it further enacted,* That the citizens thereof are hereby authorized to proceed to the election of such officers as they are or may be allowed by law, having a due regard to the officers of said respective beats, now in the discharge of their official duty. Election shall be held.

Sec. 3. *And be it further enacted,* That all laws, or parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, March 3, 1848.

[No. 187.]

AN ACT

To establish a company beat in the county of Shelby.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a company beat may be formed in the first battalion of the fifty-sixth regiment, in the county of Shelby, having the following bounds, to wit: beginning on Locust Ridge, that divides the waters of Yellow Leaf from those of Beeswax creek, and continuing along said ridge to that which divides the waters of Four Mile and Yellow Leaf, and then along the latter to a point south of C. Powell's, and near his residence; and thence due north to the mountains. Bounds of new beat.

Sec. 2. *And be it further enacted,* That said beat, or captain's command, may consist of a less number than forty privates, who, when organized into a company, shall be subject to do all military duty, or duties, now required by law. When organized said company shall be subj. et.

Approved, March 4, 1848.

[No. 188.]

AN ACT

To Incorporate the Montgomery Dragoons.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the volunteer company in the county of Montgomery known as the Montgomery Dragoons, and they are hereby incorporated and made a body corporate, by the name and style of the Montgomery Dragoons; and by that name shall be, and are hereby, made capable in law to have a perpetuity by succession; to sue and be sued, to plead and be impleaded, to defend and be defended, in any court of law or equity in this State, and to have generally all rights, powers and privileges incident to bodies corporate, not contrary to the constitution and laws of this State.

Sec. 2. Be it further enacted, That said company shall be governed by such constitution and by-laws as have been already enacted by them: *Provided,* they are not inconsistent with the constitution of this State, or of the United States; and shall have power and authority to pass such further ordinances and by-laws as may be deemed necessary for the good government of said company, subject always to the proviso in this section mentioned.

Sec. 3. And be it further enacted, That said company shall consist of not less than thirty nor more than eighty members, exclusive of commissioned officers; and the officers of said company shall be a captain, a first, and second lieutenant, an ensign, or color bearer, and such non-commissioned officers as may seem necessary.

Sec. 4. And be it further enacted, That said company shall have at least six company drills in each year, and be at all times equipped and prepared for actual service; and shall be exempt from duty in the militia, save at regimental and brigade drills, and that each member of said company shall be exempt from serving on juries: *Provided, however,* the General Assembly may at any time abolish or amend said corporation.

Sec. 5. And be it further enacted, That Captain Daniel M. Walker's Company of Cavalry, in the county of Benton, be and they are hereby incorporated by this act, and shall be governed by all its provisions.

Sec. 6. And be it further enacted, That said company shall hereafter be called the Mount Polk Dragoons.

Approved, March 1, 1848.

[No. 189.]

AN ACT

To establish an additional beat in the county of Henry.

Section 1. Be it enacted by the Senate and House of Represen-

tatives of the State of Alabama, in Generr' Assembly convened,
That all that part of Henry county being and lying in the north west corner of said county, and north of section sixteen, in township seven of range twenty-seven, and due west of said section line to the Dale county line, and west of Choctawhatchee river, be, and the same is hereby declared as an additional beat in the county of Henry. Bounds of new beat.

Sec. 2. *Be it further enacted,* That the citizens residing in said beat be, and they are hereby authorized, immediately after the passage of this act, to proceed to organize said beat, any law to the contrary notwithstanding. May be organized

Approved, March 3, 1848.

[No. 190.]

AN ACT

To authorize the citizens of DeKalb county, residing on the Lookout Mountain, to establish a beat.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the citizens in DeKalb county residing on the Lookout Mountain, in the neighborhood of Jesse Lane, be authorized to form a beat to consist of less than forty privates, and that a precinct be established at the house of Eldridge Jones, in said county.

Approved, Feb. 29, 1848.

[No. 191.]

AN ACT

To authorize an additional Regiment of Militia in the county of Tallapoosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all that portion of the county of Tallapoosa, lying north of the present battalion line, and composed of beats numbers three, four, eight, nine, eleven and twelve, be, and the same is hereby made and constituted a new regiment, to be styled the ninety-ninth regiment of Alabama Militia, and attached to the seventeenth brigade, and eighth division of the Militia of the State of Alabama. 99th Reg. established.

Sec. 2. *And be it further enacted,* That immediately after the passage of this act, it shall be the duty of the Brigadier General of the seventeenth brigade, to order an election for all the field officers necessary for the full and perfect organization of said regiment. Shall be organized.

Approved, March, 3, 1848.

[No. 192.]

AN ACT

To organize the Militia in Choctaw County.

Reg. established. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the county of Choctaw shall compose one regiment, known as the regiment of the Alabama Militia, and shall be attached to the sixth brigade, of the third division of the Militia of Alabama.

Duty of Brig. Gen of 6th brig. Sec. 2. *And be it further enacted,* That William S. Patton, commander of the sixth brigade, be, and he is hereby required to issue his orders to the sheriffs of Sumter and Washington counties, to hold an election at the different precincts within the county of Choctaw, for the purpose of electing a Colonel to command said regiment.

Duty of sheriffs of Washington and Sumter counties. Sec. 3. *And be it further enacted,* That the sheriff of Washington county, be required to hold the election in that part of the county taken from Washington, and the sheriff of Sumter, to hold the election in the portion taken from Sumter county, and make their returns to the commander of the sixth Brigade, within the time prescribed by law.

Approved, March 6, 1848.

[No. 193.]

AN ACT

To Incorporate the Bougue Chitto Dragoons.

Name and style. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Bougue Chitto Dragoons, in the county of Dallas, be, and they are hereby declared to be a body corporate and politic, by the name and style of the Bougue Chitto Dragoons, and are hereby exempted from working on roads and streets during the continuance of said company: *Provided,* that they shall muster at least six times in each year and be subject to regimental and battalion musters, and shall consist of not less than forty nor more than eighty members.

Exemptions.

Proviso.

Powers. Sec. 2. *And be it further enacted,* That said Bougue Chitto Dragoons are hereby authorized to adopt and continue their present constitution and by-laws, or adopt any other constitution and by-laws for their own government, not repugnant to the laws of this State or of the United States; and all fines and forfeitures levied and collected by said Company, from any of its members, shall belong exclusively to said company, to be appropriated as they may think proper: *Provided,* that nothing herein contained, shall be so construed as to allow the privileges of this act to apply to, or be enjoyed by, honorary members, or those who do not perform duty in said company.

Proviso.

Approved, March 1, 1848.

[No. 194.]

AN ACT

To extend the Charter of the Selma Rangers, in the county of Dallas.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the charter of the Selma Rangers, approved February second 1839, together with all the privileges, immunities and exemptions therein granted, be, and the same is hereby extended to the year eighteen hundred and seventy. Charter extended

Approved, March 3, 1848.

[No. 195.]

AN ACT

Dividing beat number seven, in the county of Russell, and establishing another beat therein.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the dividing line between range twenty-seven and range twenty-eight, of township nineteen, in the county of Russell is, and shall hereafter be the dividing line between beat number seven, and a new beat hereinafter to be established. Dividing line.

Sec. 2. *And be it further enacted.* That all that part or portion of beat number seven, lying west of the range line diving twenty-seven and twenty-eight, shall hereafter constitute and form an additional beat, to be known and numbered thirteen; the organization of which shall be done in the same manner, and under the same rules and regulations, as are now prescribed by law, for the organization of new beats. The beat so established by this act, shall be attached to, and form a part of the second battalion of the sixty-fifth regiment of this State; any law to the contrary notwithstanding. Beat No. 13, designated, and to be organized.

Approved, March 6, 1848.

[No. 196.]

AN ACT

To incorporate the "Lowndesboro Cavalry Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That such persons as have enrolled themselves for the purpose of forming a company of cavalry at Lowndesboro, in the county of Lowndes, to be styled the "Lowndesboro Cavalry," together with their successors, be, and they are Name and st le.

To consist of

hereby made and declared, a body politic and corporate, by the name and style of the Lowndesboro Cavalry, with the usual powers incident and common to bodies corporate. Said company to consist of not less than thirty, nor more than one hundred members; the officers of said company to consist of a captain, two lieutenants and one cornet, and of such non-commissioned officers as said company may think necessary to appoint.

Duty of company

Sec. 2. *And be it further enacted*, That it shall be the duty of said company to uniform and equip themselves fully and completely, in some suitable and proper uniform, to be by them selected; and it shall be the duty of said company, and they are hereby required, to muster at least six times a year.

Exemptions.

Sec. 3. *And be it further enacted*, That the members of said Cavalry company be exempt from performing road and street duty, from serving on juries, and from patrol duty, except when called out by their captain: *Provided* said company shall muster at least six times a year, as is required by the second section of this act; *And, provided*, that the raising of this company shall not disorganize any of the Infantry companies now in existence.

May pass by laws

Sec. 4. *And be it further enacted*, That said company shall have power to pass such by-laws as shall be necessary for the good government of said company, and all fines and forfeitures, levied and collected by said company, from any of its officers or men, under such by laws and regulations as such company may adopt, shall belong exclusively to said company, to be by them appropriated, as they may think proper. *Provided*, the Legislature may at any time repeal or amend this act.

Proviso.

Approved, Feb. 11, 1848.

[No. 197.]

AN ACT

To form a new Regiment in the County of Macon.

100th Reg. estab-
lished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That there be an additional regiment in the county of Macon, to be styled and known as the One Hundredth Regiment.

How laid off.

Sec. 2. *And be it further enacted*, That the field officers and captains, or a majority of them, of the said sixty-sixth regiment of Macon county, be, and they are hereby

required, to lay off and establish the bounds of said additional regiment.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Brigadier General commanding, to order an election for a Colonel to command the regiment so formed in accordance with the militia laws now in force. Shall be organized.

Sec. 4. *And be it further enacted*, That it shall be the duty of the commanding officer of said new regiment, when formed, to order a court martial, to consist of the field officers and captains of said new regiment, or a majority of them, whose duty it shall be to define the lines between company beats, according to law. Court Martial shall be called.

Approved, March 2, 1848.

[No. 198.]

AN ACT

To establish a Company Beat in Marion County.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an additional company beat is hereby established in the county of Marion, bounded as follows: Beginning at the Mississippi State line, at the line dividing townships nine and ten; thence running with said line east, to Gaines' Trace; thence South with the same, through township ten, including two rows of sections in township eleven; thence with that section line to the State line; thence with the same to the beginning. Bounds

Approved, March 6, 1848.

[No. 199.]

AN ACT

To abolish Brigade Encampment Drills, in a certain Brigade therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, so much of the law as requires brigade encampment drills, to be holden in the sixth brigade, third division, Alabama militia, be, and the same is hereby repealed. Abolished in 6th brigade.

Sec. 2. *And be it further enacted*, That it shall be the duty of the officers of the said brigade, who have in possession the tents, camp equipage and other articles, purchased by the State for the brigade encampment drills, to Officers having State property in possession to return it to Qr. Ma. General.

deliver the same to the Quarter Master General of the State, or to his order; and it shall be the duty of the Quarter Master General, to take charge of the tents, camp equipage, and other articles, as aforesaid, in the same manner as he is now required by law, to take charge of Military Stores and arms of the State.

Approved, March 4, 1848.

[No. 200.]

AN ACT

To create the Eleventh Division of the Militia of the State of Alabama, and for other purposes.

8th Brigade.

9th Brigade.

4th Division.

11th Division.

Duty of Maj Gen
4th division.

Duty of Gov. in
ordering elections

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That from and after the passage of this act, the regiments composed of the counties of Butler, Conecuh and Covington, shall constitute the eighth brigade; the regiments composed of the counties of Mobile and Baldwin, shall constitute the ninth brigade, and the regiments composed of the counties of Monroe, Clark and Washington, shall constitute the twenty second brigade.

Sec. 2 *And be it further enacted.* That the ninth and twenty second brigades shall form and constitute the fourth division, and the eighth and thirteenth brigades shall form and constitute the eleventh division.

Sec. 3. *And be it further enacted,* That the Major General of the fourth division is hereby required to order an election for a Brigadier General, to command the twenty-second brigade, in the same manner as is now required by law, for the election of Brigadier Generals; and the Governor is hereby required to order an election for a Major General, to command the eleventh division, in the same manner as is now required by law, for the election of Major Generals.

Sec. 4. *And be it further enacted,* That all laws or parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved March 4, 1848.

[No. 201.]

AN ACT

To alter and amend the several laws for the government and regulation of the Port and Harbor of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That the control and jurisdiction

heretofore given to the Harbor Master and Port Wardens for the port of Mobile over the Pilots of the Bay of Mobile be, and the same is hereby, vested in five persons, to be styled Commissioners of Pilotage of the Bay and Harbor of Mobile, which said commissioners shall be appointed by the Governor of this State, upon the recommendation of the Presidents of the several Insurance Companies in the City of Mobile, incorporated by this State, or a majority of them; and shall hold their offices for the term of six years, and until their successors shall be appointed; and such appointment shall be made at every period of six years, and so often as vacancies shall occur; which vacancies shall be filled in the same manner, till the next regular time of appointment. And each of the said commissioners, appointed under this act, shall, before he enters upon the duties of his office, take and subscribe an oath, or affirmation.

Five com'rs of pilotage to be appointed in lieu of Port Wardens.

Sec. 2. *And be it further enacted*, That said commissioners, or a majority of them, shall have power and authority, at their discretion, to permit any person to act as a pilot for either of the bars of the Bay or Harbor of Mobile, and shall make such inquiry respecting him, and his qualifications, as to the said board of commissioners, or a majority thereof, shall appear necessary and expedient:—*Provided, however*, that before granting such license to any person, it shall be the duty of the board to appoint three nautical men to examine such applicant, as to his competency to manage or work vessels, and of his knowledge of the pilot grounds, currents, &c.; and no license shall be granted to any person unless he receive the certificate of such examining committee, or any two of them: *And provided, also*, that said commissioners shall not appoint more than thirty pilots for the lower bar of Mobile Bay, nor more than ten for Dog River bar.

Powers of the com'rs in app'ing Pilots.

Sec. 3. *And be it further enacted*, That the commissioners of pilotage shall have power and authority to prescribe to the pilots of the bay and harbor of Mobile such orders and regulations, and to allow such fees, and impose such penalties, not inconsistent with this act, as to the said commissioners, or a majority of them, may appear suitable and proper; and said commissioners shall be liable to the same penalties, and receive the same compensation, heretofore allowed to the Harbor Master and Port Wardens for similar services.

Powers, penalties & compensation.

Sec. 4. *And be it further enacted*, That said commissioners of pilotage shall give to every person appointed by them a certificate of his appointment, signed by a majority of them, or by their chairman by their direction; and such

Shall give certif. of appointment.

Oath of Pilots.

pilot shall take and subscribe the following oath, which oath either of said commissioners is hereby authorized to administer, to wit: "I, (A. B.) do solemnly swear (or affirm) that I will well and faithfully, and according to the best of my skill and judgment, execute and discharge the business and duty of a Pilot for the Bay and Harbor of Mobile, and that I will, at all times, wind, weather and health permitting, use my best exertions to repair on board all ships and vessels that I shall see and conceive to be bound for, or coming into, or going out of the Bay or Harbor of Mobile, unless I am well assured some other licensed pilot is then on board the same. That I will, from time to time, and at all times, make the best despatch in my power to convey safely every vessel committed to my care, coming into or going out of the Bay or Harbor of Mobile; and that I will, at all times, well and truly observe, follow and fulfil, to the best of my skill and judgment, all such orders and directions as I may or shall receive from the Commissioners of Pilotage, relative to all things that may appertain to the duty of a pilot. And I do, furthermore, swear (or affirm) that I will not be interested, directly or indirectly, in the earnings of more than two pilot boats, nor in the earnings of any combination, or copartnership of pilots composed of more than ten pilots; nor will I be a member, at the same time, of more than one combination, or copartnership of pilots. So help me God "

Pilots shall give
bond.

Sec. 5. *And be it further enacted*, That before the commissioners of pilotage shall deliver to any person a certificate of his appointment, they shall take from such person a bond, payable to the chairman of said board of commissioners, and to his successors in office, in the sum of one thousand dollars; which bond he, together with two securities, to be approved by a majority of said commissioners, shall give for the faithful discharge of his duties agreeably to this act. And said license shall be in force until their successors shall be appointed, or until he is deprived of his license in the manner herein provided for.

Com'rs may take
away license of
Pilots in certain
cases.

Sec. 6. *And be it further enacted*, That the commissioners of pilotage, or a majority of them, shall have power and authority to take away the license of any pilot, and to declare his license null and void, whenever it shall appear to them that such pilot has wilfully infringed or violated this act, or the orders or regulations of the said commissioners; or that he hath negligently or carelessly lost or injured any vessel under his care; or that he is laboring under mental derangement, or is so addicted to the habits of intoxication as to be unfit to be entrusted with the charge of a vessel, or becomes incompetent to discharge the duty.

Sec. 7. *And be it further enacted*, That if any pilot shall discontinue to act for three months, or shall absent himself for ten days at any one time from the bay or harbor of Mobile, without leave of said commissioners, or a majority of them, he may be deprived of his license. And if at any time any vessel in the bay or harbor of Mobile shall be in charge of any civil officer, by virtue of any process issued from any Court of Record in this State, and any pilot shall conduct or pilot such vessel out of the bay or harbor of Mobile, while she is in the charge of such civil officer, said commissioners, or a majority of them, shall declare the license of such pilot, so offending, null and void, and he shall be forever thereafter disqualified for acting as a pilot, and shall moreover be subject to indictment, and upon indictment and conviction shall be fined such sum as the jury shall assess.

When com. shall declare license null and void.

Effect thereof.

Sec. 8. *And be it further enacted*, That every pilot boat cruising, or standing out to sea, shall offer the services of a pilot to the vessel nearest the bar, (except when he sees a more distant vessel in distress,) under a penalty of fifty dollars for each and every neglect or refusal, either of approaching the nearest vessel, and of aiding her, if required, or aiding any vessel shewing signals of distress, in the case above mentioned. And the commissioners of pilotage, or a majority of them, may, at their discretion, deprive the pilot neglecting or refusing, as aforesaid, of his license.

Duty of Pilots regulated.

Sec. 9. *And be it further enacted*, That the pilot who has brought a vessel into port shall have the exclusive right of taking her out, unless the master of such vessel shall prove to the satisfaction of the commissioners, or a majority of them, that such pilot has misbehaved during the time he had charge of such vessel, or unless such pilot has been deprived of his license before the departure of such vessel; in either of which cases, another pilot may be employed, who shall be entitled to receive the outward pilotage. And every pilot having a right, or becoming entitled to take a vessel out, as aforesaid, shall have the right to attend in person, or to procure another pilot out of the pilot boat to which he is attached to attend for him, on such outward bound vessel; but if such person shall neither attend in person, nor substitute another pilot, as aforesaid, after the master of such vessel shall have given notice, in the manner hereinafter required, the master of such vessel shall be at liberty, at the expiration of the time above stated, to employ another pilot, who shall be bound, if not previously engaged, to take such vessel out, and said pilot shall be entitled to the outward pilotage; and

Rights of Pilots regulated.

any person who shall carry out a vessel, not being entitled to do so, shall be held liable to the pilot who had the right, in the amount of the pilotage due or paid for carrying her out. And any pilot who has brought a vessel in shall be entitled to his fees of pilotage before her departure from port; and whenever a pilot, having a right to carry a vessel out, is apprehensive that the master of such vessel will not pay his pilotage, he shall have a right to demand his fees in advance, or such security for the payment thereof as shall be reasonable, and on failure thereof, to refuse to carry her out.

Sec. 10. *And be it further enacted*, That no person shall be authorized, or permitted, to conduct or pilot any vessel into, or out of the bay of Mobile, or over any of the bars thereof, unless such person shall have a license, as aforesaid; and any person, not having received such license, or having forfeited or been deprived thereof, as aforesaid, who shall bring into, or carry out of, the bay or harbor of Mobile, or over either of the bars thereof, any vessel, shall not only be entitled to no fee or reward for the same, but, for every such offence, shall forfeit and pay the sum of one hundred dollars: *Provided, however*, that the foregoing prohibition shall not be construed to prevent any person from assisting any vessel in distress, without a pilot on board, if such person shall deliver up such vessel to the first pilot who shall afterwards come on board and offer to conduct or pilot such vessel.

Duty of master of vessel bearing towards Mobile.

Sec. 11. *And be it further enacted*, That any master of a vessel bearing towards the bar or harbor of Mobile, with the intention of entering (all coasters and other vessels trading between the port of Mobile and New Orleans, or between said port and Pensacola, excepted) who shall refuse to receive a Pilot on board, shall be, and is hereby made liable on his arrival in the bay or harbor of Mobile, to pay the pilot who first offered without the bar, to go on board and take charge of such vessel, one half the rate of pilotage allowed to such vessel's draft: *Provided however*, that if a pilot refuse to exhibit his license to the master of a vessel, when the latter demands it, the master shall not be liable to such pilot for rejecting his services.

Pilot interested shall have notice of departure of vessel.

Sec. 12. *And be it further enacted*. That whenever a vessel is in readiness to leave, the master thereof, shall give notice to the pilot who conducted said vessel in, and when such notice cannot be given personally, it shall be given in the following manner, viz: vessels lying in the lower bay, shall hoist a jack at the foremost head twenty-four hours before leaving, and all vessels going down from Mobile, shall bring the north end of Dauphin Island to bear west,

before they shall be allowed to take any other pilot or pilots, than those who conducted them in. And if the master of a vessel shall detain a pilot on board of his vessel, the wind and weather permitting her going to sea, such pilot shall be entitled to receive three dollars for every day he is so detained. And if any master of a vessel shall carry off a pilot from the bay or harbor of Mobile, he shall pay such pilot two dollars for every day he is absent, and shall supply him with such provisions and other necessities, as is usual for the maintainance of masters of vessels, and the master, as well the owner of such vessel, shall be liable for the same: *Provided, however*, that if such vessel shall have laid to for the space of four hours after crossing the bar, and no pilot boat shall appear to receive such pilot on board, the pilot shall not be entitled to receive the aforesaid sum of two dollars per day.

Penalty on master of vessel for carrying off pilot.

Sec. 13. *Be it further enacted*, That no pilot shall be interested directly or indirectly in the earnings of more than two pilot boats, nor in the earnings of more than one combination or co-partnership of pilots; nor shall any combination or co-partnership of pilots exist which shall be composed of more than ten pilots; and if any pilot shall be directly or indirectly interested in the earnings of more than two pilot boats, or be interested either directly or indirectly in the earnings of more than one combination or copartnership of pilots, or be a member of any combination or co-partnership composed of more than ten pilots, the Commissioners of Pilotage, or a majority of them, shall declare the license of any and every pilot offending under this section or any part thereof, null and void; and every pilot so offending, shall forfeit and pay a sum not exceeding one hundred dollars.

Restriction on Pilots.

Sec. 14. *And be it further enacted*, That whenever a vessel is crossing over, or is inside of either of the bars of the bay or harbor of Mobile, (it shall be at the option of the master to take or refuse a pilot, and if the master requires a pilot, he shall indicate it by signal, and) the nearest pilot boat shall furnish a pilot, and the pilot so officiating shall be entitled to one half the rate of pilotage allowed to such vessel's draft; and any pilot who shall refuse to board such vessel whenever required [as aforesaid] shall be deprived of his license by said commissioners, or a majority of them, and shall forfeit and pay a sum not exceeding one hundred dollars.

Where vessel is crossing over, or is inside the bar, and gives notice, pilots duty,

Sec. 15. *Be it further enacted*, That it shall be the duty of every outer bay pilot to deliver to the master of any and every vessel approaching the bay or harbor of Mobile, as soon as he can board such vessel, any and all letters which

Duty of outer bay pilots.

may be sent to him for that purpose, or the person who requires the delivery of such letter or letters obligating himself to pay, or securing to such pilot the payment of forty dollars for such service; *Provided, however*, that, if after the delivery of such letter or letters the master employs the pilot who has delivered them, to pilot his vessel into port, the pilot shall be entitled to the sum of five dollars for the delivery of the letter or letters.

Rates of pilotage
to be charged.

Sec. 16. *Be it further enacted*, That the master, owner or consignee of every ship or vessel, shall pay the Pilots who conduct or pilot a vessel inward, into or outward from the bay or harbor of Mobile, in consideration for such services, the following rates of pilotage for the actual draft of water of such vessel at the time of pilotage, viz: on every vessel crossing the outer bar of Mobile bay, drawing not more than ten feet water, two dollars and fifty cents per foot; on every vessel drawing more than ten, and not exceeding twelve feet water, two dollars and seventy five cents per foot; on all vessels drawing more than twelve, and not exceeding fourteen feet water, three dollars per foot; and on all vessels drawing more than fourteen feet water, three dollars and fifty cents per foot; and on all vessels crossing Dog river bar, of whatever draft of water, one dollar and fifty cents per foot.

Penalty on master
of vessel for
throwing gravel
or other ballast in
the waters of the
bay.

Sec. 17. *Be it further enacted*, That if any master of any ship or vessel, or other water craft, which shall hereafter come into the bay or harbor of Mobile, shall throw from on board such ship or vessel, or other water craft, into the waters of said bay or harbor, or within three miles of the outside of the outer bar of said bay or harbor, any stone, gravel or other ballast, he shall forfeit and pay a sum not exceeding two thousand, nor less than one thousand dollars for every such offence, and be imprisoned not exceeding three months, nor less than three days, at the discretion of the court wherein such offender shall be sued; one half of the said forfeiture to be paid to the first person who shall on oath, before either of the officers hereinafter named, give information of such offence, and the other half to the use of the said commissioners of pilotage.

Com'rs of pilot
age shall sue
master of vessel.

Sec. 18. *Be it further enacted*, That it shall be the duty of the said commissioners of Pilotage on having satisfactory evidence furnished them of the violation of the eighteenth section of this act, to sue for the said forfeiture, in any court having cognizance of the amount sued for, by process of attachment to be issued in the same manner, and subject to the same rules of construction provided and established in other cases of attachment; the said attachment to be issued by either of the officers hereinafter named, and to

be levied upon the ship or vessel, or other water craft, the captain or master of which shall be the alleged offender; *Provided, however*, that oath be first made by the informer or other creditable person, of the commission of the offence before some Judge or Justice of the Peace, or clerk of the County or Circuit court of the county of Mobile; *And, Provided, also*, that the said ship or vessel, or other water craft may be replevied on, the master or consignee thereof, giving bond with good and sufficient securities, to be approved by the officer issuing the attachment, in treble the amount of forfeiture or penalty sued for, conditioned for the forthcoming of the said ship or vessel or other water craft, to satisfy such judgment as shall be recovered in the suit.

Proviso.

Proviso.

Sec. 19. *Be it further enacted*, That it shall be the duty of every pilot of the bay or harbor of Mobile, to inform the said commissioners of Pilotage of every violation of the eighteenth section of this act coming to their knowledge, as soon as possible, after knowing thereof; and every pilot who shall know of such offence having been committed, and who shall fail to give such information as soon as possible, shall forthwith be deprived of his license, and shall be forever thereafter disqualified for the office of pilot of the bay or harbor of Mobile; and the southern boundary or limit of the bay or harbor of Mobile is hereby declared to be the bar known as the outer bar, about two miles to the southward of said Island.

Pilots shall give information to com's of violation of 18th sec.

Sec. 20. *Be it further enacted*, That the said Board of Commissioners, or a majority thereof, be, and they are hereby authorized, to sue for, and recover, any of the penalties and forfeitures under this act to their own use.

Penalties to use of com's.

Sec. 21. *And be it further enacted*, That all branch pilots shall be appointed by the commissioners of pilotage, or a majority of them, and whenever a vacancy occurs in a branch, the person who shall have served the longest time as an apprentice shall be appointed to said vacancy, if deemed competent by said commissioners: *Provided*, that no person shall hold a branch who is not engaged in piloting.

Appointment of branch pilots.

Sec. 22. *And be it further enacted*, That when any pilot boat, belonging to a different pilot than the one who may have conducted any vessel out to sea, shall take such pilot off from said vessel, said pilot boat shall be entitled to one third of said vessel's pilotage.

Provision in favor of pilot boats

Sec. 23. *And be it further enacted*, That should the presidents of the Insurance companies of the city of Mobile, or a majority of them, neglect, for thirty days after the passage of this act, to recommend five persons as com-

If no persons are recommended in 30 days, Gov. to appoint.

missioners of pilotage, as required by the first section of this act, the Governor shall, in that event, appoint such persons commissioners as he shall think proper; and whenever a vacancy occurs, either by the death, resignation or otherwise, of any of said commissioners, the Governor shall, upon the recommendation of said presidents, fill said vacancy; and if no recommendation be made by said presidents, within thirty days after said vacancy shall occur, the Governor shall designate such person to fill it as he may think proper.

Sec. 24. *And be it further enacted*, That all laws contravening, or impairing, the provisions of this act, be, and the same are hereby repealed.

Approved, March 6, 1848.

[No. 202.]

AN ACT.

For the Improvement of the Tennessee River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That the Tennessee Valley Rail Road company shall have the power and privilege to improve the navigation of the Tennessee river, between the mouth of Bear Creek, (being the line between the State of Mississippi and this State,) and the landing at Florence, by clearing out and deepening the channel, by blasting, excavating and the use of wing dams, so as to obviate the obstructions to navigation in the "Colbert's Shoals," and such other minor shoals as now afford obstructions to the navigation between the points above named, and to such extent as will permit the class of steam boats that can ascend (in the present state of improvement) the Tennessee river to the town of East Port, to go up to the landing at Florence at all seasons; and for this purpose said company may adopt such plan of operations to accomplish said object as shall be deemed best by them; and they shall have liberty to raise the needful funds in the same manner as is prescribed by their charter for raising funds or capital for the extension or branching of their rail road.

Sec. 2. *And be it further enacted*, That said rail road company shall commence said work of improvement within the space of two years, and shall complete the same within three years thereafter: *Provided*, that if any independent company or association shall be formed for the purpose of making said improvement as specified, and the amount of stock that shall be deemed necessary for its accomplishment shall be subscribed and secured, such company shall have the power and privilege of making the said improvement under a separate organization and administration, at any time (within the said term of years) if the said rail road company

Powers and privileges of the Tenn Valley R. Road.

When the work shall be commenced and finished.

shall not have commenced said works of improvements, or shall not commence the same within three months after being duly notified in writing, of the formation of said association, and of the subscription of stock as aforesaid; and if a separate company shall be so formed and organized under this proviso, such company shall have all the rights and privileges intended to be granted by this act, to said rail road company, and they shall have the power to organize for business, and pass such by-laws for their government upon such principles as they may deem best (such by-laws however, shall not be contrary to the constitution and laws of this State) and shall exercise all the powers and franchises of a separate corporation, under such name and style as they may adopt. And so soon as the said work of improvement shall have progressed sufficiently to answer the purposes generally for which it was undertaken, the said company shall be entitled to, and may charge toll upon all freights and commodities ascending the river, at the rate of six cents per one hundred pounds, and on all freights and commodities descending, excepting cotton, at the rate of three cents per one hundred pounds, and fifty cents for every cabin passenger, and twenty-five cents for every deck or steerage passenger ascending or descending: *Provided, however, that the assent of the Congress of the United States shall be obtained for the making of said improvement and the charging of such toll.*

When company may charge toll.

Rates of toll.

Sec. 3. *And be it further enacted,* That the said rail road company shall have the exclusive privilege of making said improvement, and the enjoyment of the revenues therefrom for the term of twenty years from the time of its completion, and at the end of the said term of twenty years, the State of Alabama or the Government of the United States, shall have the privilege of taking said work to themselves; by first paying to said company the fair and just value of the said work or improvement, and the State of Alabama, or the Government of the United States, shall have the right and privilege in like manner of taking the said work or improvement at any time after said period upon giving the company two years notice of their intention to do so.

Shall have exclusive privilege.

Sec. 4. *And be it further enacted,* That said rail road company shall have a right to appropriate to the use of said improvement, any stone, gravel, timber or other material which was formerly provided or subject to be used for the improvement of "Colbert's" and other shoals below Florence, under a project of the Government of the United States, and carried on to some extent under the management and supervision of the canal commissioners appointed by the State.

May appropriate certain gravel, timber and other materials.

Sec. 5. *And be it further enacted,* That when said improvement as contemplated by this act, shall have been accomplished to such an extent as to allow it to be used, the said rail road company shall submit the work to three commissioners (one to be appointed by the Governor of this State, another by the said company, and the two so chosen, shall choose a third) for their approval as to its sufficiency, and after the work shall have been

Com'rs shall be appointed to examine the work when finished.

Rates to be ch'gd
water craft.

Proviso.

so approved, the said company shall have the power to require from each steam or keel boat, or other craft, ascending, and from each steam, keel, or flat boat, or any other water craft or raft, descending, a correct manifest of all freights, commodities, &c. belonging to their cargo, and also the number of passengers (both cabin and steerage or deck passengers) they may have on board, upon which they shall pay toll as provided in the second section of this act, and for failing to obey the requisitions of said company, or for failing to pay such toll as shall be due said company, such boat or craft of whatever kind, shall be subject to be proceeded against by attachment or other process, in the same way and manner as they would be liable for other debts; and in case of false or fraudulent manifest, being rendered or produced, in every such instance, there shall be collected or recovered, a sum equal to five times the regular toll, besides all costs of suit, &c.: *Provided however*, that neither keel boat, flat boat, or other craft that shall ascend the Tennessee river through the "Muscle Shoals," shall be subject to pay toll as provided for in this act: *And provided further*, that no flat boats descending the Tennessee river, which shall take their departure from Florence or Tuscumbia landing, or any point between that and the head of "Colbert's Shoals" shall pay any toll when the water in the river is at such a stage for navigation as would permit such boats to pass without hazard over the "Colbert's Shoals" in the present state of improvement, or when a depth of three feet of water would be due upon said shoals without improvement; and by way of establishing a criterion to the depth of water that would be, there shall be established (by competent judges) upon an abutment, or one of the stone piers of the Florence bridge, and at the stone wharf of the rail road depot at the Tuscumbia landing, a water mark, that would indicate three feet water on the "Colbert's Shoals" (in the present state of the river,) so that whenever the water in the river shall be up to said mark, or over the same, no toll shall be charged and collected from such flat boats descending, but only when the water is below said mark, shall toll be charged and collected.

When the rate of
toll may be reduced.

Sec. 6. *And be it further enacted*, That should it turn out after the completion of said improvement contemplated by this act, that said company under the rates of toll established, should collect such an amount as to exceed fifteen per cent net, per annum upon the capital expended; in such case the rate of toll shall be reduced and modified, so as to bring the net annual income upon the capital invested at all times to, or below fifteen per centum; and on the other hand, should it be found after said improvements shall be in use, that the tolls established produce less than ten per centum net, per annum upon the capital laid out and expended, said company shall have the privilege to increase the rate of toll to such an extent as will produce at least ten per centum net, per annum, upon their said outlay of capital.

Reservation.

Sec. 7. *And be it further enacted*, That the Legislature of this State, shall power at all times to alter and amend this act:

Provided, that nothing in this act shall be so construed as to authorize banking privileges: *Provided also*, that flat boats, keel boats, descending the Tennessee river over the Muscle Shoals, or through the Tennessee Canal, shall not be required to render any manifest, or be delayed or hindered in any manner whatsoever.

Restriction.

Approved, March 3, 1848.

[No. 203]

AN ACT

To declare Riley's Creek in Jackson county, a public highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, Riley's Creek, in Jackson county, from its mouth to Jones' Saw Mill, be, and the same is hereby declared a public highway.

Approved, March 3, 1848.

[No. 204.]

AN ACT

To improve the navigation of the Bayou La Batre, in the county of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the bridge across the Bayou La Batre, in the county of Mobile, upon the old Bayou La Batre road, formerly used as a mail route to the Gulf, and now discontinued, is hereby declared subject to removal and discontinuance; and the citizens residing in the neighborhood thereof, are hereby authorized to remove the same, and all obstructions connected therewith, so as to aid the navigation of said Bayou.

Bridge may be removed.

Sec. 2. *And be it further enacted*, That if it shall appear to the court of commissioners of revenue and roads of the county of Mobile, that said bridge is of essential advantage to the citizens of said county and travellers, and cannot with justice to the general interests of said county, be destroyed, then they shall have authority to forbid the destruction and discontinuance of the same notwithstanding the provisions of the first section of this act.

But com'rs. court of Mobile county may judge of the propriety.

Approved, Feb. 29, 1848.

[No. 205.]

AN ACT

To improve the Navigation of the Coosa River.

Persons mentioned may cut & remove trees and obstructions in the Coosa river.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That Abraham Greene of the county of St. Clair, and Gabriel Hews and Lewis Cunningham of the county of Cherokee, and Captain Laferty, and their associates, or a majority of them, be, and they are hereby authorized to cut down, dig up, or otherwise remove any trees, stumps or brushes growing or being on the banks of the Coosa river, and which obstruct or hinder the navigation of said Coosa river, within the State of Alabama, between the Ten Islands and the Georgia line in the direction of Rome, Georgia; and the said Abraham Green and Gabriel Hews and Lewis Cunningham shall not be guilty of or liable for any trespass in removing, cutting down or digging up such trees and stumps or brushes: *Provided*, such act be done simply with the view of improving the navigation of said river, any law to the contrary notwithstanding.

Approved, March 6, 1848.

[No. 206.]

AN ACT

To constitute Chocologoco creek, in the counties of Talladega and Benton, a public highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That from and after the passage of this act, that Chocologoco creek in the counties of Talladega and Benton, is hereby declared a public highway, up to the bridge crossing said creek at or near the Boiling Springs in said county of Benton, any law or usage to the contrary notwithstanding.

Approved, February 26, 1848.

[No. 207.]

AN ACT

Declaring White Water in Coffee County, a public highway.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That White Water be, and it is hereby declared a public highway, up to the mouth of Bluff creek in Coffee county.

Approved, Feb. 29, 1848.

[No. 208.]

AN ACT

To authorize Thomas H. Brasher to establish a public ferry across Coosa River, at Hatchey's old ferry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Thomas H. Brasher, of the county of Shelby, be, and he is hereby, authorized to establish a public ferry across the Coosa river, at or near a point formerly known as Hatchey's ferry; and the said Thomas H. Brasher, his heirs and assigns, are hereby authorized to charge and receive such toll for crossing at said ferry as may be, from time to time, authorized and allowed by the commissioners court of roads and revenue in said county: *Provided,* that said T. H. Brasher, his heirs or assigns, shall give bond and security, in the same manner that other keepers of public ferries in this State are required to do: *And provided further,* that there is no public ferry within two miles, by water, of the place contemplated in this act.

Approved, March 3, 1848.

May establish Ferry.

May charge toll.

Proviso.

[No. 209.]

AN ACT

To amend an act declaring Cedar Creek a public Highway." Approved, Jan. 27, 1845.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened,* That the first section of an act, entitled "an Act declaring Cedar Creek a public highway, approved, January 27th, 1845," be, and the same is hereby, repealed.

Repeals former act.

Sec. 2. *And be it further enacted,* That Cedar Creek, from its junction with the Alabama river, in Dallas county, up to a point on said creek, six hundred yards below the mouth of Muscle creek, in Butler county, be, and the same is hereby declared a public highway.

Declared a public highway.

Sec. 3. *And be it further enacted,* That the second section of said act, to which this is an amendment, prescribing a penalty for the obstruction of said public highway, be, and the same is hereby, so modified as to apply only to obstructions within the limits designated by the second section of this act.

Former act modified.

Approved, January 1, 1848.

[No. 210.]

AN ACT

To authorize certain persons therein named to establish a toll Bridge or Ferry across the Little Tallapoosa river, in Randolph county.

May establish
toll bridge or ferry.

Rates of toll.

Proviso.

Certain road continued.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That George W. White and George Quattlebum be, and they are hereby, authorized to establish a toll bridge or ferry across the Little Tallapoosa river, at or near Quattlebum's ford, on said river, subject to the same rates of toll or ferriage as may have been established by the Commissioner's Court of Randolph county.

Sec 2. *Provided, however,* That all county officers, in the discharge of their official duties, jurymen going to and returning from courts, mail carriers and mail agents, and all foot passengers, shall, at all times, pass free of toll or ferriage.

Sec. 3. *And be it further enacted,* That the road from Weedowee, via Rockdale, established by order of the Commissioner's Court of Randolph, at the February term of said court, be continued to Pinetucky, in said county, and the same is hereby declared a public road, of the second grade.

Sec. 4. *And be it further enacted,* That all laws, or parts of laws, contravening the provisions of this act, be, and the same is hereby repealed.

Approved, February 26, 1848.

[No. 211.]

AN ACT

To permit the town of Eufaula to maintain a Bridge across the Chattahoochee river.

Powers of acquisition of the Int. Council of Eu-

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Intendant and Council of the town of Eufaula, in Barbour county, may acquire to them and their successors in office, by assignment or otherwise, all the corporate rights (under any laws of the State of Georgia) of the Irwinton Bridge Company, a corporation created by the State of Georgia: and any such acquisition heretofore made or attempted, is hereby confirmed and made legal; and the said Intendant and Council shall have power to finish, erect and maintain a bridge at the

same place, across the Chattahoochee river, where lately stood the bridge erected by said Irwinton Bridge Company, and to charge the same toll as is allowed by the Georgia charter, incorporating said Irwinton Bridge Company, and to have all similar rights and powers as have been heretofore designated and conferred on said Irwinton Bridge Company by the laws of the State of Georgia.

May erect and maintain a bridge

May charge toll.

Sec. 2. *And be it further enacted*, That said Intendant and Council, and their successors in office, as Intendant and Council, shall, for all the purposes of this act, be a body corporate under the same name as that conferred by the Legislature of Georgia on the Irwinton Bridge Company; and the terms "Irwinton Bridge Company;" whenever used in this act, shall be construed to allude to, and mean, the corporation created by the State of Georgia for building or making a bridge across the Chattahoochee river, near the village or town, then commonly called Irwinton, now Eufaula, by whatever name or designation said corporation may be distinguished in the Georgia charter, and said name shall be unchanged: *Provided*, this act may at any time be modified or repealed.

Declared a body corporate, and for what.

Proviso.

Approved, Feb. 21, 1848.

[No. 212.]

AN ACT

To authorize William Johnson to establish a wharf at Warsaw, on the Tombeckee river, in Sumter county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*,

That William Johnson be, and he is hereby authorized to erect a wharf on the Tombeckee river, at Warsaw, in Sumter county; and that he shall be authorized to demand and collect of, and from, the owner or owners, or consignees, of all goods, wares and merchandize, which shall be landed from the Tombeckee river, or deposited on the wharf, within the space known as the War-

May erect wharf.

saw ferry landing, including one quarter of an acre, or thereabouts, commencing on the south west side of Fenachy creek, and lying immediately around the ferry landing; wharfage not exceeding the following rates to-wit: for each bale of cotton, one

May demand and collect wharfage.

cent; for each bushel of grain or salt, one half of a cent; for each barrel, two cents; for each hogshead or pipe, four cents; for each thousand feet of lumber, twenty-five cents; all boxes, packages and merchandize, usually charged by measurement, at the rate of one quarter of a cent per foot: *Provided*, that nothing in this act shall be so construed as to prevent the Legislature from altering

Rates.

and amending the above rates of wharfage, upon the pe-

Proviso.

Further proviso.

tition of one hundred or more persons resident in the county of Sumter; notice of said petition having been first served upon said Johnson, or his representatives, twenty days before the same shall be presented to the General Assembly: *and provided further*, that said Johnson shall keep such landing or wharf in good repair; and at all times open and accessible to all kinds of vehicles for the purpose of transporting any articles, on which said Johnson is allowed to collect wharfage; and on failure so to do, he shall be subject to a fine of fifty dollars, to be sued for and recoverable before a justice of the peace, by any person complaining.

Approved, March 3, 1848.

[No. 213.]

AN ACT

To create a new county from the counties of Washington and Sumter.

Choctaw county established and contents.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all that portion of Washington county north of the line which divides townships eight and nine; and also, that portion of Sumter county, south of the line, which divides townships fifteen and sixteen, shall constitute one separate and distinct county, to be known and called by the name of Choctaw.

County com'rs.

Sec. 2. *And be it further enacted*, That Jesse Jackson, John Phillips, Reuben Read, Isaac Horn, and H. J. Y. Moss, be, and they are hereby, appointed commissioners for the said county of Choctaw, who, or a majority of whom, shall have power to fix on a suitable place for the seat of justice in said county: *Provided*, they shall locate the seat of justice, in said county, within four miles of the centre of said county.

Their powers in regard to county seal.

Sec. 3. *And be it further enacted*, That the said commissioners shall have power to contract for, and receive for and in behalf of, the said county of Choctaw, by good and sufficient titles, a lot of land, not exceeding one hundred and sixty acres, so fixed on for the seat of justice, for the purpose of erecting thereon the public buildings for the use of said county.

In regard to C. H. and building of the same.

Sec. 4. *And be it further enacted*, That the said commissioners, or a majority of them, shall have power to contract for, erect, and superintend the building of a Court House and Jail, of such description and dimensions as they shall agree upon, with the approbation of the commissioners' court of said county: *Provided*, that notice shall be given by said commissioners, at three or more public places

in said county, of the time and place of letting said buildings, or either of them; shall contract for the erection thereof with the lowest bidder, who shall enter into bond, with sufficient security to said commissioners, conditioned for the faithful performance of his or their contract.

Sec. 5. *And be it further enacted*, That after the aforesaid commissioners shall have purchased a tract of land for the location of the seat of justice in said county, it shall be their duty, after reserving lots thereon to erect the said court house and jail, to cause the balance of said tracts, respectively, to be run out by the county surveyor, or some other competent person, into lots of convenient size, and sold on a credit of one and two years, taking notes and approved security, payable to said commissioners, who shall turn them over to the county treasurer, for the use of said county in erecting the court house and jail.

Sec. 6. *And be it further enacted*, That it shall be the duty of the Judge of the County Court and Commissioners of Roads and Revenue for the county aforesaid, to levy a tax on all taxable property in said county, to be applied to the erecting and completing the court house and jail, in the event the proceeds of the sale of lots in said county be insufficient to defray the expenses which may accrue in building the same: *Provided*, said tax shall not exceed fifty per cent. on the State tax.

Sec. 7. *And be it further enacted*, That there shall be elections held in the aforesaid county, on the first Monday in February next, at the different precincts, for the election of a Clerk of the Circuit Court, a Clerk of the County Court, a Sheriff, a Tax Collector, and an Assessor of Taxes, and four Commissioners of Roads and Revenue, for said county; which election shall be held by one justice of the peace and two householders, in each election precinct, to be conducted in the same manner, and under the same rules and regulations, as elections are held for the election of members of the General Assembly; and the said managers shall make return of said elections to the Judge of the County Court of said county, who shall certify the same to the Executive, who shall be commissioned according to law.

Sec. 8. *And be it further enacted*, That the commissioners aforesaid shall, before entering upon their duties, take the following oath, to wit: "I, ———, do solemnly swear that I will faithfully discharge the duties imposed upon me, as Commissioner for the County of Choctaw, without partiality or favor.—So help me God."

Sec. 9. *And be it further enacted*, That until the next apportionment in regard to representation, the voters residing in the territory taken from Sumter shall, in all elec-

Lots to be sold.

Com's court shall levy a tax.

Proviso.

Election for city officers.

Oath of Com's.

Voting for representatives regulated.

tions for representatives, vote with the county of Sumter, and the voters residing in the territory taken from Washington shall vote with Washington.

Name of county
site.

Sec. 10. *And be it further enacted*, That the county site of said county shall be called and known by the name of Butler.

Com'rs to locate
county site.

Sec. 11. *And be it further enacted*, That John Willis, James G. Slater, and William Smith, be, and they are hereby, appointed commissioners to locate a new county site for the county of Washington, according to the provisions of this act, and with the same regulations, so far as the same can be made applicable, as in the case of the county of Choctaw: *Provided*, that the said commissioners shall not be restricted, in the location of the county site of said county, to any given distance from the centre of said county.

Com'rs to sell old
county buildings.

Sec. 12. *And be it further enacted*, That John Womack, Henry Manger, Benjamin Woolard, Henry Atchison and William Grimes be, and they are hereby, appointed commissioners, whose duty it shall be to sell the old county buildings as early as they can be dispensed with, at public outcry, to the highest bidder, taking notes with approved security, payable twelve months after date, to themselves, and the proceeds thereof applied to the payment of the county debt of the county of Washington: *Provided*, that if any remains, after the debt now due and owing shall be paid, that the same shall be equally divided, and one half thereof go into the county treasury of Choctaw, and the other half to the county treasury of Washington: *Provided, further*, that if any of said debt shall remain unpaid, after the funds arising from the proceeds of the sale of the old county buildings shall be exhausted, that the same shall be paid equally by the said counties of Washington and Choctaw.

Choctaw added
to 6th Jud. Cir.

Sec. 13. *And be it further enacted*, That the said county of Choctaw shall be added to, and compose a part of, the sixth judicial circuit of the State of Alabama.

County court
when held.

Sec. 14. *And be it further enacted*, That the County Courts of the said county of Choctaw shall be holden on the second Mondays in January and July, and continue one week.

Circuit courts
when held.

Sec. 15. *And be it further enacted*, That the time of holding the Circuit Courts for the said county of Choctaw shall be as follows: the first Mondays in March and October, and continue one week.

Election precincts

Sec. 16. *And be it further enacted*, That the several election precincts in said counties shall continue, except that the returns shall be made to the court houses to be es-

established in pursuance of this act, until otherwise altered by law.

Sec. 17. *And be it further enacted*, That the several Justices of the peace, now in office shall continue for the time for which they were elected.

Sec. 18. *And be it further enacted*, That until the county buildings for the said county of Choctaw shall be completed, and ready for use, the several courts for said county shall be holden at Barryton. How long courts shall be held at Barryton.

Sec. 19. *And be it further enacted*, That until the county buildings of the county of Washington shall be erected and received, the several courts for said county of Washington shall be holden at, or near, St. Stephens, at such place as the commissioners' court may designate. Courts of Washington county at St. Stephens.

Approved, Dec. 29, 1847.

AN ACT

Supplemental to an act to create the county of Choctaw.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of the seventh section of the act to which this is supplemental, as provides for the election returns to be made to the county judges, be, and the same is hereby repealed, and that the magistrates appointed in said section of said act, be required to assemble at the county site, on the day after the elections are held, and make out and seal up the election returns, and direct the same to the Executive of the State, to be commissioned as prescribed by law. Repeals.

Sec. 2. *Be it further enacted*, That so much of the eleventh section of the act to which this is supplemental, as appointed John Willis James G. Slater and William Smith commissioners to locate a new county site, for the county of Washington, be, and the same is hereby repealed, and instead of said persons that John Womack, Henry Monger, Benjamin Woolard, Henry Atchinson and William Grimes, be and they are hereby appointed said Commissioners. Repeals. Substitutes.

Sec. 3. *Be it further enacted*, That so much of the twelfth section of the act to which this is supplemental, as appointed John Womack, Henry Monger, Benjamin Woolard, Henry Atchinson and William Grimes, commissioners to sell the old county buildings of the county of Washington, and to apply the proceeds thereof to the payment of the county debt of the county of Washington, be, and the same is hereby repealed, and that John Willis, James G. Slater and William Smith be, and they are hereby appointed said Commissioners. Repeals. Substitutes.

Sec. 4. *Be it further enacted*, That there shall be an election

Election for c'ty
officers of Wash-
ington county.

held in the county of Washington, on the second Monday in February next, at the different precincts of said county, for the election of clerk of the circuit court, clerk of the county court, sheriff, tax collector and assessor, commissioners of roads and revenue; which elections shall be held in the same manner and under the same regulations as provided in the first section of this supplement.

Meetings of com.
court shall be
held.

Sec. 5. *Be it further enacted*, That a meeting of the commissioners of roads and revenue for the counties of Choctaw and Washington, respectively, shall be held on the third Monday in February next, for the purpose of levying taxes for county purposes, and making appointments as required by law.

Duty of com's
court of Wash-
ington.

Sec. 6. *Be it further enacted*. That it shall be the duty of the judge of the county court and commissioners of roads and revenue for the county of Washington, to levy a tax on all taxable property, to be applied to the erection and completion of the court house and jail: *Provided*, said tax shall not exceed fifty per cent on the State tax.

Powers of com's
of Washington
county.

Sec. 7. *Be it further enacted*, That the commissioners appointed to locate the county site of the county of Washington, be, and they are hereby empowered to name the said county site.

Duty of clerks of
counties from
parts of which
Choctaw is form-
ed.

Sec. 8. *Be it further enacted*, That the clerks of the circuit and county courts of either of the counties from parts of which the county of Choctaw is formed shall, immediately after the elections provided for in the seventh section of the act to which this is supplemental, may be holden, transfer all causes and the records thereunto belonging, wherein the defendants in such suit may reside, within the limits of the aforesaid county of Choctaw, to the clerk of either the circuit or county court, to which the same may properly belong, for trial; and all process which may be issued, and not returned, which is within the jurisdiction of the counties from which the county aforesaid has been taken, and which properly belongs to said county, shall be returned to the clerks of said courts, to which the same may properly belong, in the county of Choctaw, all of which shall be proceeded upon in the same manner as if originally made returnable to said court.

Of appeals, &c.

Sec. 9. *Be it further enacted*, That until the establishment of county and circuit courts as is provided for by the act to which this act is supplemental, all appeals from justices of the peace, all writs of injunction, certiorari and supercedeas, shall lie to the circuit or county courts of the counties to which the same would properly be on, provided this law had not been passed.

Repeals.

Sec. 10. *Be it further enacted*, That so much of the second section of the act to which this is supplemental, as requires the commissioners therein named, to locate the seat of justice in said county of Choctaw, within four miles of the centre of said county, be, and the same is hereby repealed, and that said commissioners be, and they are hereby authorized to locate the seat of justice within six miles of the centre of said county.

Substitutes.

Approved, January 19, 1848.

[No. 215.]

AN ACT

For the permanent location of the Seat of Justice for the county of Choctaw.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That there shall be an election held in the county of Choctaw, at the several precincts, for the purpose of determining the location of the county site, on the first Monday in April next. Election shall be held.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Sheriff of said county, to give notice of the election, by advertisement in all parts of the county, and the places to be voted for, as hereafter provided for in this act, to be designated in said advertisement. Sheriff shall give notice.

Sec. 3. *And be it further enacted,* That it shall be the duty of the Justice's of the Peace of said county, under the same rules and regulations as govern elections for members of the Legislature, to make returns of said election to the Sheriff, either in person, or by some one appointed by them for that purpose; the returns being certified and sealed up as in all other cases of election returns; the returns to be made within two days after said election, at the Baptist meeting house, called the Providence church. Duty of Justices of the Peace.

Sec. 4. *And be it further enacted,* That it shall be the duty of the commissioners appointed in the act for the creation of the county of Choctaw, to procure from some professed mathematician, as near as possible, the geographical centre of said county; and in the event of the said commissioners not acting, it shall be the duty of the commissioners of roads and revenue, to designate three places within six miles of said geographical centre; and any one of said places, getting a majority of all the votes given, shall be the permanent location of said county site; and in the event that neither of the three places designated getting said majority, then, by advertisement, as provided for said election, an election shall be held on the first Monday in May next, and the two highest places shall be voted for; and the place getting a majority of all the votes given, shall be the permanent location for the county site of Choctaw. Duty of Com'rs.

Sec. 5. *And be it further enacted,* That the Commissioners shall, before designating any place to be voted for, as county site, ascertain what the land can be purchased at, and shall, in no instance, give more than one dollar and twenty-five cents per acre. Further duties.

Sec. 6. *And be it further enacted,* That, in the event the commissioners appointed as aforesaid, to superintend

Com'rs refusing
to act, others may
be appointed.

the structure of a court house and jail, and all things need-
ful for said county site, shall refuse to act, then it shall be
the duty of the commissioners of roads and revenue, to act
in their stead ; and they, or either of them, shall receive
for their services two dollars per day, while engaged in
their services as commissioners, to be paid out of any mo-
nies in the county treasury, not otherwise appropriated.

Former acts null
and void

Sec. 7. *And be it further enacted*, That all the acts of
the commissioners, upon the subject of a location of the
county site of Choctaw, which have been made or done,
prior to the passage of this act, shall be null and void, as
though it had not been made.

Sec. 8. *And be it further enacted*, That all laws, contra-
vening this act, be, and the same are hereby repealed.

Approved, March 1, 1848.

[No. 216.]

AN ACT

For the appointment of two Commissioners to locate the
Court House of Choctaw county.

Preamble.

WHEREAS Reuben Reid and Henry J. Y. Moss, who
were heretofore appointed Commissioners to locate the
Court House of Choctaw county, have refused to act as
such ; Therefore,

Section 1 *Be it enacted by the Senate and House of
Representatives of the State of Alabama, in General
Assembly convened*. That John Price and Thomas S.
Parker, be, and they are hereby appointed, commissioners
to locate the Court House of Choctaw county.

Com'rs for Choctaw

Sec. 2. *And be it further enacted*, That if either or
any of the commissioners appointed by this, or either of
the acts passed at this session, in reference to the county of
Choctaw, fail or refuse to act, it shall and may be lawful
for the remaining commissioner or commissioners, to fill
the vacancy occasioned by the refusal or failure of said
commissioners so to act, and the appointment thus made,
shall be valid to all intents and purposes.

Approved, Feb. 4, 1848.

[No. 217.]

AN ACT

To regulate the mode of selecting Grand and Petit Jurors
in and for the county of Perry.

Section 1. *Be it enacted by the Senate and House of*

Representatives of the State of Alabama, in General Assembly convened, That after the passage of this act, it shall be the duty of the Sheriff and Clerks of the Circuit and County courts of Perry, to furnish annually to the Commissioners' court of said county for revenue and roads, at its first session, in each and every year, a complete list of all persons subject to serve on juries in said county, setting out their christian names and the beat in which such persons reside, and for every neglect to perform this duty, the party in default shall forfeit and pay fifty dollars, to be recovered by motion in the Circuit Court.

Duty of sheriff & clerks in furnishing com'rs' court with list.

Penalty for failure.

Sec. 2. *And be it further enacted,* That it shall be the duty of said court of revenue and roads, at its first session, either at a regular or called session, in each and every year, which session shall be, at least, twenty days before the holding of either the County or Circuit court in said county, to select from the said list of jurors eighteen persons, taking them from the different parts of the county, as far as may be, whose intelligence and moral character, in the opinion of said court, best qualify them to act as Grand Jurors for each term of said Circuit court, and said court shall, from time to time, fill vacancies in said jury, by death or otherwise: *Provided,* that the sheriff shall be authorized, when the jury is incomplete, to complete the same from the bystanders as now provided for by law.

Duty of court in selecting persons for grand jury.

Rules to be observed.

May fill vacancies

Proviso.

Sec. 3. *And be it further enacted,* That the said court of revenue and roads shall, at some suitable time, either at a regular or called session, select from the said list, as aforesaid, thirty persons, whose intelligence and moral character, in the opinion of said court, best qualify them to serve as Petit Jurors, for each week that the Circuit and County courts are by law authorized to sit; so as to have two juries for each week, for both the Circuit and County court of said county; and said court shall, from time to time, fill any vacancies that may, in any way, occur: *Provided,* nothing herein contained shall be so construed as to prevent the summoning of talesmen, as now provided by law.

Duty and rules in selecting petit jurors.

Sec. 4. *And be it further enacted,* That the said court shall make said selection, and furnish lists of respective juries, thus selected, to the respective clerks, in time for the said clerks to issue venires and place in the sheriff's hands, at least fifteen days before the commencement of any term of said court, that the same may be executed as now required by law.

Lists sent to clerks for venires.

Sec. 5. *And be it further enacted,* That no one on said list, deemed a suitable grand or petit juror, shall be selected, as aforesaid, to serve twice, until all the suitable persons shall have been selected once.

Exclusions.

Repeals.

Sec. 6. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, March 3, 1848.

[No. 218.]

AN ACT

To alter the mode of selecting Grand Jurors for the county of Macon.

Duty of sheriff
and clerks in se-
lecting jurors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, it shall be the duty of the Clerk of the Circuit Court and the Sheriff of Macon county, under the superintendence and inspection of the Judge of the County court of said county, to select, for each and every term of the Circuit court thereof, from the whole number of persons competent by law to serve as jurors, twenty-four persons, whose intelligence and moral character may, in the opinion of said clerk and sheriff, render them best qualified to serve as Grand Jurors, and the persons so selected shall be summoned by said sheriff, at least thirty days before the session of the court, to serve as grand jurors at the ensuing term thereof; and such jurors, upon failure or refusal to attend and serve at said court, shall be liable to the penalties now provided by law.

Further duties.

Sec. 2. *And be it further enacted*, That in making selection of grand jurors, under the foregoing section of this act, it shall be the duty of said clerk and sheriff to have respect, as far as it may be practicable, and consistent with the spirit and object of this act, to an equal distribution of the jurors over the different portions of the country, and also to an equal distribution of the burden of the service.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, Jan. 24, 1848.

[No. 219.]

AN ACT

To alter the mode for selecting the Grand Jury for the county of Covington, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Represen-*

tatives of the State of Alabama, in General Assembly convened,
That from and after the passage of this act, thirty days
previous to each term of the Circuit Court of said county,
it shall be the duty of the Clerk of the Circuit Court, the
Sheriff, in the presence of the Judge of the County or
Probate Court, as the case may be, of said county, to se-
lect from amongst the citizens of said county, eligible by
law to serve, fifteen persons, the most discreet and tem-
perate men to be found in said county, and cause them to
be summoned to appear at the term next after said selec-
tion, who shall compose and constitute the grand jury for
said county.

Duty of sheriff &
clerks.

Grand Jury.

Sec. 2. *And be it further enacted,* That the officers
named in the first section of this act shall, at the same time
they select the grand jury, draw from the jury box, twenty-
four competent Petit Jurors, who shall, in like manner,
be summoned to attend the Circuit Court to serve as petit
jurors, who shall receive compensation for their services
as hereinafter mentioned, and in no other way.

Further duty

Petit Jury.

Sec. 3. *And be it further enacted,* That for every final
judgment entered up in said court, the successful party
shall pay down to the clerk the sum of two dollars, and
for every verdict rendered by the jury, the successful party
shall pay down the sum of three dollars, which shall be,
by the clerk, equally divided betwixt the two juries sum-
moned to attend the court, on or before the adjournment
on each day of the term; which several amounts shall be
taxed in the bill of costs, and collected out of the unsuc-
cessful parties in the suit, and refunded to the parties who
first paid the same.

Mode of paying
Jurors.

Sec. 4. *And be it further enacted,* That upon the trial
of every State case tried in said court, wherein the defend-
ant shall be convicted, the jury trying the case shall be en-
titled to receive, from the party convicted, the sum of two
dollars, which shall be paid down to the jury; and no de-
fendant, in a State case, after conviction, shall be allowed
to confess judgment for the fine and costs, nor shall he be
discharged from custody, until the jury fee shall be paid as
aforesaid; and no judgment shall be entered, or verdict
recorded, in a civil suit, until the jury fees are paid; and
it shall be the duty of the judge presiding to see that this
act is fully complied with.

In State cases.

Sec. 5. *And be it further enacted,* That all laws, and
parts of laws, coming within the purview and meaning of
this act, be, and the same are hereby, repealed.

Approved, Feb. 18, 1848.

[No. 220.]

AN ACT

In relation to paying Grand and Petit Jurors in the counties of Pike and Marshall.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That, an act, entitled, "an act to regulate the pay of Petit Jurors in the counties of Henry, Dale, Coffee, Covington, Randolph, Pike and Marshall," approved, January 13th, 1846, be, and the same is hereby repealed, so far as concerns the counties of Pike and Marshall.

Act repealed as to Pike and Marshall.

Per diem of jurors in Pike and Marshall.

Sec. 2. *And be it further enacted,* That hereafter, grand and petit jurors summoned to attend the Circuit or County courts in the counties of Pike and Marshall, shall receive the sum of one dollar and fifty cents for each day's service, and five cents for each mile in going to and returning from said courts.

Compensation of Tales Jurors.

Sec. 3. *Be it further enacted,* That tales jurors in the Circuit and County courts of Pike and Marshall counties, shall receive the same compensation per diem that is allowed to regular jurors by the second section of this act, for the time they may be required to serve: *Provided, however,* that tales jurors shall not be entitled to any pay or mileage for going to, and returning from said courts; nor to per diem pay, when discharged before 4 o'clock, P. M., unless when engaged more than one day on the same cause.

Approved, January 1, 1848.

[No. 221.]

AN ACT

To regulate the pay of grand and petit jurors in the county of Dale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the commissioners court of roads and revenue in the county of Dale, be required to levy a sufficient tax upon the state tax to pay the grand and petit jurors of said county, each, one dollar per day; and that it shall be the duty of the tax collector, to collect such tax as may be assessed by said commissioners court, and pay the same over to the county treasurer, whose duty it shall be to pay to each member of

county court
the levy tax.

the grand and petit jury the sum of one dollar for each and every day they may have served upon either the grand or petit jury. Per diem of jurors

Sec. 2. *And be it further enacted*, That the law now in force, regulating the pay of petit jurors, be, and the same is hereby repealed. Repeals.

Sec. 3. *And be it further enacted*, That, upon either the tax collector or treasurer failing or refusing to comply with the provisions of the first section of this act, after demand made, it shall be the duty of the Solicitor to move the court to attach such delinquent officers, and upon proof being made to the court that such default has been made, said court shall order said delinquent to be confined in the county jail, until he shall pay double the amount of the proper demand, besides the costs of the motion, and that the penalty so collected, shall be placed in the county treasury for county purposes. Penalty on tax collector or treasurer for failure of duty.

Approved, February 26, 1848.

[No. 222.]

AN ACT

To change the mode of drawing Grand and Petit Jurors for the county of Dale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the justices of the peace of the respective beats in the county of Dale, shall, at least, thirty days before the time of holding the spring term of the Circuit court for said county, meet at such places in their said beats as they may determine on, and prepare a list of the freeholders or householders who may be qualified to discharge the duties of grand and petit jurors for said county; and if, from any cause, there should be but one justice of the peace in any of said beats, then it shall be, and it is hereby made: the duty of said justice to prepare said list, and in all respects comply with the requisitions of this act. Duty of Justice of the Peace.

Sec. 2. *And be it further enacted*, That the said justices, or the said justice, if there be but one, shall, at least five days before the time of holding said spring term of said circuit court for said county, return to the clerk of said circuit court, under their hands, or if but one justice, under his hand, the list of persons qualified to serve as jurors; and that from the names on said lists, in the manner now provided for drawing jurors in capital cases, there shall, at each and every term of the circuit court hereafter to be Shall return list to clerk.

held for said county, be drawn, under the direction of the presiding judge of said court, the names of twenty persons for the grand jury of the next succeeding court, and the names of thirty persons for petit jurors for the Circuit court next succeeding; which persons, so drawn, shall be summoned as is now provided by law, and shall serve as grand and petit jurors at the next Circuit court after said drawing shall be had : *Provided*, that, if from any cause, a sufficient number of the persons, so drawn, as aforesaid, shall not be in attendance at the Court to which they shall be required to serve as jurors, then the deficiency shall be supplied, as is now provided for by law.

Penalty on Justices for failure of duty.

Sec. 3. *And be it further enacted*, That it shall be the duty of the presiding judge of said court, at each spring term of the same, to ascertain from the clerk of said court, if any justice or justices of the peace, has failed to comply with the provisions of this act, and against such justice or justices to cause to be entered up a conditional judgment of one hundred dollars, to be made absolute in whole or in part, at the next succeeding court, according to the excuse made by said justice or justices : *Provided*, that no judgment shall be made absolute, unless the defendant in the same shall be duly notified thereof, by a *seire facias*, to be issued by the clerk of said court.

Repeals.

Sec. 4. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed, so far as they relate to the county of Dale.

Approved, February 25, 1848.

[No. 223.]

AN ACT

To compensate jurors and witnesses in Monroe county.

Duty of Com's court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the commissioners court of Monroe county to set apart a fund for the payment of all grand and petit jurors in said county, and witnesses summoned in State cases, in the manner hereinafter prescribed.

Per diem of grand and petit jurors.

Sec. 2. *Be it further enacted*, That hereafter the grand and petit jurors in said county, shall be entitled to receive one dollar per diem, for each day's attendance on either the circuit or county courts of said county, and the mileage now allowed by law, and no more.

Duty of Co. Treas

Sec. 3. *Be it further enacted*, That it shall be the duty of the treasurer of Monroe county to attend each term of the Circuit

court of said county, and pay in cash each juror such sum as he shall be entitled to under the provisions of this act.

Sec. 4. *Be it further enacted*, That all witnesses summoned in State cases in the county of Monroe, shall be entitled to receive one dollar per diem for each day they may attend as such witnesses, and the mileage now allowed by law, and no more, and that the treasurer of said county shall, at each term of the circuit court of Monroe, pay all witnesses summoned in State cases, and in which said county, under the existing laws, is bound to pay said witnesses, to pay in cash such witness, the amount he is entitled to receive for his attendance as such witness. Per diem of witnesses.

Approved, January 5, 1848.

[No. 224.]

AN ACT

To repeal in part an act granting per diem pay to tales jurors in the county of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, Than an act, approved December twentieth, eighteen hundred and forty, granting per diem pay to tales jurors serving in the circuit and county courts of the county of Tuscaloosa, be, and the same is hereby repealed.

Approved, February 18, 1848.

[No. 225.]

AN ACT

To repeal a portion of the law relating to the duties of grand juries, in the county of Walker.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of the existing law as makes it the duty of grand juries to send for, or hunt up witnesses for the purpose of ascertaining the commission of small misdemeanors, when there is no prosecutor, to-wit: assaults and batteries, affrays, tippling, &c. be, and the same is hereby repealed, in the county of Walker.

Approved, March 4, 1848.

[No. 226.]

AN ACT

In relation to drawing juries in Jackson county.

Section 1. *Be it enacted by the Senate and House of Represen-*

tatives of the State of Alabama, in General Assembly convened.
That so much of an act, entitled "an act to alter the mode of drawing jurors in the counties of Jackson, DeKalb, Marshall and Covington, approved January thirteenth 1846," as relates to the county of Jackson, be, and the same is hereby repealed: *Provided*, that the provisions of this act shall only apply to the circuit court of Jackson county.

Approved, March 4, 1848.

[No. 227.]

AN ACT

To regulate the mode of paying witnesses and jurors attending justices' courts in the county of Covington.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.*

Per diem of witnesses.

That from and after the passage of this act, each and every witness, duly subpoenaed to attend any trial before a justice of the peace in Covington county, shall be entitled to receive fifty cents for each days attendance on said subpoena, and no more, to be paid to said witness, when the suit is decided, by the successful party, or the one gaining the suit, which sum shall be taxed in the bill of cost, and collected out of the unsuccessful party, and refunded to the party first paying the same.

Per diem of Jurors on trials of right of property.

Sec. 2. *And be it further enacted,* That in every case where it may be necessary to summon a jury to attend before any justice of the peace in said county, to try the right of property, or to try any other issue whatsoever, each juror so summoned, shall receive the sum of fifty cents for each days attendance, to be paid down by the successful party, when the verdict is rendered, and said amount shall be taxed in the bill of cost, and collected out of the unsuccessful party, and refunded to the party first paying the same; and no witness or juror shall be entitled to claim or receive mileage in a justice's court, and no justice of the peace in said county shall enter judgment final, or record a verdict, until all fees are paid to the witnesses and jurors.

Sec. 3. *And be it further enacted,* That all laws heretofore passed upon the same subject, having any relation to Covington county, be, and the same are hereby repealed.

Approved, Jan. 15, 1848.

[No. 228.]

AN ACT

To establish jury trials in justices courts in Walker county, and to regulate the proceedings therein.

Section 1. *Be it enacted by the Senate and House of Represen-*

tatives of the State of Alabama, in General Assembly convened, That from and after the passage of this act, any person being dissatisfied with the judgment of any justice or justices of the peace may, within five days thereafter, appeal to the next justices court thereafter in said beat, with the right of a jury to consist of seven good and lawful men, on payment of cost, and giving bond with good and sufficient security for the eventual condemnation money, and the justice or justices, before whom the same was originally tried, or his successor in office, or any justice of the peace of the same beat, shall issue subpoenas for all witnesses that the parties in such appeal may require.

Persons dissatisfied with judgment of justice may appeal to a jury.

Sec. 2. *And be it further enacted.* That all such appeals, in the beat in which the cause originated, by seven jurors, to be drawn, empannelled and sworn, as hereinafter directed, and in no other manner whatsoever, whose verdict shall be final and conclusive between the parties, except removed by appeal to the circuit or county courts; and the said jury shall be empannelled and sworn, and the trial conducted, and the evidence admitted, in the same manner, as in the circuit or county courts, of this State.

How appeal shall be tried.

Sec. 3. *And be it further enacted,* That the method of drawing jurors for the trial of appeals in justices courts, in each company beat, shall be as follows: the justice, or justices, residing in each captain's beat, in conjunction with the commanding officers of said beat, shall, once in every two years, procure or make out a list of all persons liable to serve as jurors in the circuit courts, who may be residents in their respective beats, and shall write the name of every person so liable, on a separate piece of paper, which shall be deposited in a box, in an apartment marked number one, and shall draw therefrom not less than five nor more than seven of the names, so before deposited, from time to time, to try the causes so depending before them, which names, so drawn, shall be entered in a book by the justice presiding at the drawing thereof, and shall be deposited in an apartment of said box marked number two, and after all the names are drawn from number one, they shall commence drawing from number two, and so on alternately: *Provided*, that no justice shall presume to draw any jury but on a court day, and in public, and by a person not interested in any suit to be tried by said jury; and any person so drawn, and summoned by a constable, five days before court, neglecting to appear, shall be fined by the justice or justices, in a sum not exceeding three dollars, unless said juror shall show sufficient cause, on oath, at the next term; and in all cases of deficiency of jurors, the constable, by direction of the justices, shall fill and complete such jurors from the by standers: *Provided*, there shall not be less than three of the original panel on such jury; and they shall, for every days attendance, be allowed fifty cents each per day, to be paid by the party who loses the case, and be taxed in the bill of cost.

Mode of drawing jurors.

Proviso.

Proviso.

Sec. 4. *And be it further enacted,* That the justice of the peace shall issue a venire facias for the persons so drawn, returnable to the next term of said court; and it shall be the duty of the

Venire facias.

Oath of jurors.

Fees to jury and officers.

constable, at least five days before the term, to summon the jurors so drawn, either personally or by leaving written notices at their usual place of abode, to attend accordingly; and the following oath shall be administered to the jury, by a justice of the peace, before any case is submitted to them, viz: "You, and each of you do solemnly swear (or affirm, as the case may be) that you will well and truly try all issues which shall be left to your decision by the court, during this day, and a true verdict give, according to the evidence, so help you God;" and the following fees shall be allowed for the services herein directed to be performed, to be paid by the party cast in his suit, and be taxed in the bill of cost; to the justice for drawing the jury, making out the venire facias and sitting on each case, fifty cents; to the constable for summoning the jury, returning the venire facias, and attending the trial, fifty cents; to the justice for issuing each summons for the witnesses, and the witnesses for attending, and the constable for summoning the same, the same fees as are now allowed by law for such services in a justices court.

Approved, Jan. 29, 1848.

[No. 229.]

AN ACT

To repeal in part a certain act therein named.

Repealed as to Walker county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the third section of an act entitled "an act to establish justices' courts in the county of Walker, approved thirty-first of January 1846," be, and the same is hereby repealed.

Approved, March 6, 1848.

[No. 230.]

AN ACT

To establish Justices' Courts in the county of Marion.

Courts to be held once a month.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Justices of the Peace in the county of Marion shall meet at the place of mustering, in each and every beat in said county, and shall hold a court once a month, to be holden on a day to suit the convenience of said justices of the peace.

May be held by one justice.

Sec. 2. *And be it further enacted,* That if one of said justices should fail to attend any of said courts, then, and in that case, one of the justices of the peace shall have power

to transact all business which may come before said court or courts.

Sec. 3. *And be it further enacted*, That all property, Constable's sales. except slaves, levied on by any constable of the several beats in said county, shall be sold on the same day, and at the same place, that said justices' courts are held, except the property be immovable, then, and in that case, the property shall be sold as now provided by law.

Sec. 4. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be, Repeals. and the same is hereby repealed.

Sec. 5. *And be it further enacted*, That it shall, and may be lawful, for any justice of the peace to try any case With consent of parties, may try causes as now provided. as now provided by law, if each party, plaintiff and defendant, shall consent thereto: *Provided*, that nothing in this act shall be so construed as, in any manner to affect the existing law in relation to attachments.

Approved, January 5, 1848.

[No. 231.]

AN ACT

Authorizing Justices' Courts in the town of Greenville, in Butler county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall be the duty of the justices of the peace for the Greenville beat, in the county of Duty of justices of the peace in Greenville beat. Butler, to hold a court once a month, in the town of Greenville, in said county, in addition to the court which they are now required to hold at the muster ground; and all business commenced or returnable at one place of holding said courts shall be tried and disposed of at said place, and shall not be transferred for trial at the other place, without consent of parties.

Approved, March 4, 1848.

[No. 232.]

AN ACT

To amend the law in relation to Justices of the Peace in the City and County of Mobile.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*.

No. of justices
regulated.

That hereafter the number of Justices of the Peace in and for the City of Mobile shall not depend on the militia beats, but there shall be elected for each ward in the city, one justice of the peace and one constable, by the qualified electors of said wards; who shall hold their offices for three years, and be governed by the same rules in every other respect that now govern justices of the peace, in their powers, duties and fees; and their terms of office shall commence from the expiration of the terms of office of the present incumbents.

Justices shall
keep dockets.

Sec. 2. *And be it further enacted*, That all justices of the peace for said city shall keep a docket, on which shall be entered a note of each case brought before them, and of their orders and doings thereabouts; and that at the expiration of their terms of office, whether by death or otherwise, the said books, together with the papers of their office, shall be deposited in the office of the Clerk of the Orphan's Court of Mobile county; and imperfect orders, proceedings, and judgments, may be perfected by the successor of the justice whose proceedings are thus defective.

Docket shall be
preserved.

Restriction as to
keeping offices.

Sec. 3. *Be it further enacted*. That from and after the first day of November next, justices elected in the county of Mobile, beyond the limits of said city, shall not be permitted to keep their offices within the limits of said city.

Inspectors of elec-
tion for justices
now appointed.

Sec. 4. *Be it further enacted*, That the Mayor Aldermen and Common Council of the city of Mobile, be charged with appointing inspectors and officers to hold the elections hereinbefore provided for, in the same manner that aldermen are elected; and in case of the death or resignation of any of the justices herein provided, his place shall be filled by election, in the same manner as if his term of office had expired.

It repeals.

Sec. 5. *Be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, Feb. 29, 1848.

[No. 233.]

AN ACT

To establish Justices' Courts in the county of Tuscaloosa.

Provisions of act
repealed.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the provisions of an act, approved 5th February, 1840, entitled "an act relative to Justices' Courts, and for

other purposes, in certain counties therein named," be, and the same is hereby, declared in full force, in all its provisions, for the county of Tuscaloosa,

Approved, Feb. 26, 1848.

[No. 234.]

AN ACT

In relation to Justices' Courts and Constables' Sales, in Dale county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That all the provisions of an act entitled "an act relative to Justices' Courts, and for other purposes, in certain counties therein named," approved February fifth, one thousand eight hundred and forty, be, and the same are hereby extended, in all its provisions, to Dale county. Provisions of an act extended.

Approved, Feb. 4, 1848.

[No. 235.]

AN ACT

To repeal an act therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act, entitled, "an act relative to justice's courts, in certain counties in this State, approved 8th February, 1843," be, and the same is hereby repealed, so far as relates to the county of Jackson, from and after the first day of April next. Justices courts abolished in Jackson county.

Approved, January 15, 1848.

[No. 236.]

AN ACT

To establish Justices' Courts in Fayette County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the first day of April next, the Justices of the Peace, in the county of Fayette, shall meet at the muster ground in their respective beats, and shall hold a court once in each month, to be holden on a day to suit the convenience of the Justices of the Peace. Justices courts established.
To be held monthly.

May be held by
one justice.

Sec. 2. *And be it further enacted*, That if one of said Justice's shall fail to attend any of said courts, then, and in that case, one of the Justices shall have full power to hold said court.

Appeal may be
taken to a jury.

Sec. 3. *And be it further enacted*, That if any person shall be aggrieved by the judgment of any justice of the peace, in the county of Fayette, he may appeal to a jury, at the next term of the Justice's court, to be summoned and empannelled as hereinafter provided, first giving bond in double the amount of said judgment, with good and sufficient security, to be approved by the justice or justices, payable to the opposite party, and conditioned to prosecute such appeal to effect; and in case he, she or they, be cast therein to pay and satisfy said debt and all costs; and on all such trials by jury, it shall be the duty of the justice or justices presiding at such trial, to enter up judgment against the unsuccessful party in the verdict, and their securities in the appeal bond.

Proviso, shall
give bond.

How juries shall
be provided.

Sec. 4. *And be it further enacted*, That jurors, for the trial of appeals in Justices' courts, shall be provided as follows: whenever any person shall consider themselves aggrieved by the judgment of any justices' court, and shall, within five days after the rendition of such judgment, apply to such justice, and demand appeal to a jury, and shall enter into bond with security, as specified in the third section of this act, it shall then be the duty of the Justice to issue a *venire facias* directed to any constable of said county, commanding him to summon not less than five, nor more than seven jurors, unconnected with either of the parties to appear at the next Justices' court for said beat for the trial of said cause; and in all cases, where the jury so summoned, shall fail to attend or be otherwise incompetent to try said cause, it shall then be lawful to order a jury to be made up and empannelled of any of the bystanders present, who may not be incompetent to try said cause, on account of relationship or otherwise; and in all cases, each party may peremptorily challenge any two of such jury.

Fees.

Sec. 5. *And be it further enacted*, That the following fees shall be allowed for services hereinafter stated: to the Justice for taking appeal bond, issuing a *venire*, presiding on trial and giving judgment, one dollar; to the constable for summoning each juror, ten cents; to each of the jury sitting on such trial, fifty cents; and all other fees shall be the same as now provided by law.

Constables' sales
regulated.

Sec. 6. *And be it further enacted*, That all property levied on by constables in said county, shall be sold at the time and place of holding the courts of the beat, wherein

judgments shall have been rendered, unless the defendant shall consent for it to be sold at some other time and place, or unless the property be immovable, in which case, it shall be sold as now provided by law.

Sec. 7. *And be it further enacted*, That nothing in this act shall be so construed as to prevent any person aggrieved by the judgment of any Justices' court, from prosecuting an appeal, or certiorari, either to the Circuit or County court as heretofore. Appeal may be taken to the Cir. or Co. court.

Sec. 8. *And be it further enacted*, That nothing in this act shall be so construed as to alter, or in any manner, change the present law respecting the venue of cases triable by Justice's of the Peace: *And, provided*, that nothing in this act shall be so construed as to alter the laws in relation to slaves, or in any manner, to alter the present law in relation to attachments, or forcible entry and detainer: *And, provided, also*, that any justice of the peace in said county, may issue process and proceed to try the same according to the law now in force, provided the plaintiff and defendant shall both consent thereto. Proviso.
Further proviso.

Approved, March 4, 1848.

[No. 237.]

AN ACT

To form an additional Regiment in the county of St. Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That there be an additional regiment formed from that part of the twelfth regiment in the county of St. Clair, which lies in Coosa Valley and south east of Backbone mountain, to be styled and known as regiment one hundred and one. Established.

Sec. 2. *And be it further enacted*, That the commissioned officers of the twelfth regiment, or a majority of them, shall constitute a court of inquiry, to lay off and establish the bounds of said additional regiment; and the said court is hereby authorized to establish company beats, with a less number than forty privates. Bounds to be established.

Sec. 3. *And be it further enacted*, That the court named in the second section of this act, shall report its proceedings to the Brigadier General of the proper Brigade, who shall, as soon as may be, in accordance with the militia laws now in force, order an election for colonel to command the said additional regiment. Court shall report to Brig Gen.
His duty.

Approved, March 4, 1848.

[No. 238.]

AN ACT

To provide for the more permanent location of the court house of Butler county, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

Election shall be held to ascertain the sense of the people.

Qualification of voters.

Election how conducted.

That the sheriff of Butler county be, and he is hereby required to cause an election to be held at the several precincts in said county, on the first Monday in May next, in relation to a removal of the court house of said county; and all persons entitled to vote at said election, shall have written or printed upon their tickets either "removal" or "no removal," as they may be in favor of, or opposed to, the removal of the court house of said county; and said election shall be conducted in all respects, as on the general elections in this State, and none but the qualified voters for representatives in said county, shall be entitled to vote at said election; and it shall be the duty of the sheriff of said county, to give at least thirty days notice of the time and place of holding said election, by advertisement posted up at the several election precincts in said county; and it shall be the duty of the managers conducting said election, to make a correct return of the same to the sheriff, at the court house within two days thereafter.

If majority favor removal, other proceeding shall be had.

Sec. 2. And be it further enacted, That if, at said election there be a majority of votes in favor of "removal" then, and in that event, it shall be the duty of the sheriff to make the same known to the Judge and Commissioners of roads and revenue of said county, within four days after he ascertains such to be the result of said election; and it shall then be the duty of the said Judge and Commissioners, within forty days thereafter, to select some suitable site for a court house within two miles of the geographical centre of said county, having due regard to health and other public convenience; and it shall then be the duty of said Judge and Commissioners, as soon as they have selected said new site for a court house, to point out the same to the sheriff of said county.

Duty of sheriff.

Sec. 3. And be it further enacted, That it shall be the duty of said sheriff, as soon as the said Judge and Commissioners have pointed out to him the new site, selected by them for a court house, to give notice, by advertisement at the several election precincts of said county, at least thirty days previous to the general election in August next, that a poll will be opened at said election, for a permanent county site for said county.

Duty of managers

Sec. 4. And be it further enacted, That it shall be the duty of the managers of elections at the several precincts of said county, at the general election on the first Monday in August next, provided the sheriff has advertised an election for a permanent county site for said county, to hold an election for the same; and the two places "Greenville" and "new site," shall alone be in nomination; and it shall be the duty of said managers to endorse upon the ticket of every person voting at said election, the word

"Greenville" or "new site," as the person voting may wish; and none but qualified voters for Representatives of said county, shall be entitled to vote at said election; and it shall be the duty of said managers to keep a correct account of the votes so taken, and make a return of the same to the sheriff of said county, within two days thereafter.

Sec. 5. *And be it further enacted*, That if, at said election, it shall appear that "new site" has received a majority of the votes given, then, and in that event, it shall be the duty of said Judge and Commissioners, and they are hereby authorized and required to purchase or receive by donation, a fee simple title to the land embracing said "new site" not exceeding eighty acres in extent, and at a price not exceeding one dollar and twenty five cents per acre; and if said new site cannot be purchased at one dollar and twenty-five cents per acre, then the said Judge and Commissioners shall purchase not exceeding eighty acres of land, as near said "new site" as the same can be obtained at the price above specified, having due regard to health and public convenience; and any land purchased under this section, shall belong to, and be vested exclusively in, said county.

Proceedings to be had if new site is elected.

Sec. 6. *And be it further enacted*, That it shall be the duty of said Judge and Commissioners, as soon as they have obtained titles to said land, selected for the permanent county site of said county, to cause the same to be laid out into suitable town lots, which shall be offered for sale, at such times and upon such conditions, as said Judge and Commissioners may deem the most advantageous to said county: *Provided*, that said county shall, in no instance, part with her title to any portion of said land, until the purchaser has paid in full the purchase money agreed to be paid; and it shall further be the duty of said Judge and Commissioners, to proceed, forthwith, after laying out said lots, to cause a suitable court house to be erected upon said land, at a cost not exceeding fifteen hundred dollars; and as soon as said new court house is completed, said "new site" shall be and is hereby declared to be the permanent county site of said county, and all books, papers, and public records belonging to the offices of the clerks of the circuit and county court, and of the sheriff of said county, shall be thereupon transferred from Greenville to said "new site."

Com's court shall obtain titles.

Sell lots.

Proviso.

Court house shall be built.

Sec. 7. *And be it further enacted*, That for a neglect or refusal on the part of the said sheriff, or Judge or commissioners of said county, to fully perform and discharge all the duties required of them respectively, by the provisions of this act, each of said officers so neglecting or refusing to discharge any of the said duties, shall forfeit and pay over into the county treasury of said county, the sum of two hundred dollars, to be recovered on motion in the circuit court of said county, in the name of the person making the motion, for the use of the county, against the party delinquent.

Penalty on sheriff, judge and com's for neglect of duty.

Sec. 8. *And be it further enacted*, That if, at said special election, to be held on the first Monday in May next, a majority of votes be given in favor of "no removal" or if an election be held on the first Monday in August next, for a permanent county

In what case Greenville shall continue to be the county site.

site, and "Greenville" should receive a majority of votes; then in either case, Greenville shall continue to be the permanent county site of said county, and there shall be no further action had under the provisions of this act.

Approved, January 24, 1848.

[No. 239.]

AN ACT

To repeal in part an act therein named,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That so much of an act, entitled an act to locate permanently the county site of Cherokee county, as relates to the establishing of a free ferry on the Coosa river in said county, be and the same is hereby repealed.

Approved, Jan. 4, 1848.

[No. 240.]

AN ACT

To provide for the building of a Jail in the county of Benton.

Section 1, *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge of the County Court and Commissioners of roads and revenue, be, and they are hereby authorized to levy such tax on the persons and property of the citizens of said county of Benton, liable to taxation, and all other subjects of taxation as now provided for by law, as shall be sufficient for the building of a jail in Jacksonville, the seat of justice for said county: *Provided*, said tax shall be levied and collected in two equal annual proportions: *and, provided further*, that the taxes shall not exceed eight hundred dollars in either year.

Tax may be levied to build a jail.

Proviso.

Shall contract for building.

Sec. 2. *And be it further enacted*, That the said Judge and Commissioners shall have power to contract for the building of said jail, by letting the same to the lowest bidder, requiring such contractor as may engage the work to enter into bond with security, payable to said Judge, with proper penalty and conditions for the faithful compliance with such contract as may be made for the purposes aforesaid.

Approved, Jan. 4, 1848.

[No. 241.]

AN ACT

To locate permanently the seat of justice in Marengo county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the commissioners of roads and revenue for the county of Marengo, shall ascertain, as near as possible, the centre of said county, and cause a particular description of said place to be entered on the records of their court, which place, for the purpose of locating the seat of justice, shall be considered the centre of said county; then each and all places in said county shall be deemed and taken as places in nomination for the location of a permanent seat of justice for said county.

Duty of com's court in ascertaining the centre of the county.

Sec. 2. *And be it further enacted,* That, so soon as said centre shall have been ascertained, (which shall be before the first day of April next,) the sheriff of said county shall order an election, and appoint managers thereof, at the several election precincts in said county, to be holden on the first Monday in May next, under and regulated by the laws now in force for holding elections for members of the General Assembly; and all persons constitutionally qualified to vote for members of the General Assembly, and none others, shall be entitled to vote.

Sheriff to hold an election.

Sec. 3. *And be it further enacted,* That each voter shall write on his ticket the name of the place he shall vote for, and if any place shall receive a majority of all the votes cast, that place shall be the permanent seat of justice for Marengo county: *Provided, however,* that the name shall not be considered as settled; but the next commissioners court of roads and revenue may affix to the place, so elected, any name a majority of them may prefer.

Election how conducted.

Sec. 4. *And be it further enacted,* That if no place shall, at the first election, receive a majority of all the votes given, then the four places which shall have received the highest number of votes given, shall be continued in nomination, and all others shall be withdrawn; and the sheriff of said county shall order a second election, to be holden on the first Monday in June next, in the same manner, in all respects, as the first, the qualification for the voters being the same.

If necessary 2d election shall be held.

Sec. 5. *And be it further enacted,* That if any place, under the second election, shall receive a majority of all the votes given, that place shall be the permanent seat of justice for Marengo county.

Majority.

Sec. 6. *And be it further enacted,* That if no place

If necessary 3d
election shall be
held.

voted for in said second election shall have received a majority of all the votes given, the sheriff of said county shall, forthwith, order a third election, to be holden on the first Monday in July next, between the three places which shall have received the highest number of votes given, which three places shall be continued in nomination, and all other places shall be withdrawn; said election shall, in all respects, be conducted as the preceding, and under the same qualification for voters.

Majority.

Sec. 7. *And be it further enacted,* That if any place, under the third election, shall receive a majority of all the votes given, that place shall be the permanent seat of justice for Marengo county.

If necessary 4th
election shall be
held.

Sec. 8. *And be it further enacted,* That if no place voted for shall have received a majority of all the votes given at said third election, then the sheriff of said county shall order a fourth election, to be holden on the first Monday in August next, under all the rules prescribed for the former elections. the qualifications for voters being the same, between the two places which received the highest number of votes given, and all other places shall be withdrawn.

Place elected de-
clared the county
site

Sec. 9. *And be it further enacted,* That whichever of said places shall receive the highest number of all the votes given, shall be declared the permanent seat of justice for the county of Marengo: *Provided,* that, in all cases, for each and every election to be holden, each and every vote given for any and all places not in nomination, agreeably to the provisions of this act, shall be taken and deemed as a nullity, and shall not be counted or considered as a vote given.

Donation of land
may be received.

Sec. 10. *And be it further enacted,* That the judge of the County Court of said county, (and if there be none,) then the commissioners of roads and revenue may receive any donation of land or money, for the purpose of aiding in the election of a Court House, and other public buildings; and in case of the donation of land, the title thereto shall be made to the county of Marengo: *Provided,* that, before the first election, bond and security to make title, with specified conditions, to any land proposed to be donated, to be approved by the judge of the County Court, (and if there be none,) then by the Commissioners' Court, shall be filed with the clerk of the County Court; and if the donation proposed be money, bond and security to be given, before the first election, to be conditioned and approved as above, and deposited in like manner.

Sec. 11. *And be it further enacted,* That the commissioners' court of roads and revenue may levy a tax,

not exceeding one hundred per cent. upon the State tax, for the purpose of erecting public buildings, and for other county purposes, and continue the same from year to year, until said public buildings shall be completed, and paid for.

Tax may be levied.

Sec. 12. *And be it further enacted*, That so soon as a place for a permanent seat of justice is elected. the commissioners' court of roads and revenue shall make, or cause to be made, a plan and specifications for a Court House and Jail, and advertise that they will receive sealed proposals for the erection and completion of said buildings, until the first Monday of the fall term of the Circuit Court for said county, at which time they will let, on contract, the building and completion of said public buildings, to the lowest responsible bidder; he or they entering into bond, with at least two good securities, that he or they will erect and complete such buildings within the time, and under the conditions, prescribed by said commissioners' court: *Provided*, that separate bids shall be required, and separate contracts may be entered into, by said commissioners' court, for a court house and jail.

Plan and specification for public buildings to be made.

And contract let to the lowest bidder.

Proviso.

Sec. 13. *And be it further enacted*, That said commissioners may, if they shall deem it necessary, appoint a commissioner, or supervisor, under whose directions and inspection said buildings shall be erected and completed, upon such terms as they may deem expedient.

Supervisor may be appointed.

Sec. 14. *And be it further enacted*, That said commissioners of roads and revenue shall examine and inspect said buildings, and each of them, minutely, before they shall receive them as public buildings, and be satisfied that they have been built and completed in a workmanlike manner, and according to contract.

Buildings shall be minutely examined.

Sec. 15. *And be it further enacted*, That whenever the public buildings shall be so completed, or the court house is so completed, the commissioners' court shall order all the public records to be removed thereto; and all the courts of said county shall be there holden, and the same become the permanent seat of justice for said county.

Buildings completed public records shall be removed.

Sec. 16. *And be it further enacted*, That until said public buildings (or the court house) shall be completed or fit for the reception of the records, and the holding of the several courts, all the courts shall continue to be holden at Linden, but the present jail of said county shall be used as such until the new one (if any) shall be built and accepted, whether the courts be held elsewhere than at Linden, or not.

Until completed courts shall be held at Linden.

Sec. 17. *Be it further enacted*, That the commissioners' court may hold sessions at other times than those now

Courts may hold courts.

prescribed by law, in order to carry into effect the provisions of this act, and either the judge of the County Court, or any two of the commissioners, may call a special term or terms of said court, for such purpose.

Approved, Feb. 25, 1848.

[No. 242.]

AN ACT

To enable the people of Franklin county more permanently to locate the Court House of said County.

Election shall be held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the Sheriff of said county, and in case of his death or resignation, it shall be the duty of the Coroner, to open and hold an election at the several election precincts in said county, on the third Monday in May next, for the purpose of deciding whether the court house in said county shall be removed from Russellville, its present location.

How conducted.

Sec. 2. *Be it further enacted,* That said Sheriff or Coroner shall give at least thirty days notice of said election, by advertisement in all the newspapers published in said county, and by posting up a written notice in some conspicuous place at each election precinct in said county. The polls at said election shall be opened by, or before, the hour of twelve meridian at all the precincts in said county, except at Russellville and at Tuscumbia, and shall remain open until four o'clock, P. M.; and at Russellville and at Tuscumbia, the polls shall be opened by, or before eleven o'clock, A. M., and shall remain open until five o'clock, P. M. All persons entitled to vote for representatives to the State Legislature shall be entitled to vote at said election. Each voter shall write on his ticket, "removal" or "no removal." The said election shall be conducted under the same laws, and governed by the same rules, (except as herein directed,) which govern general elections.

Votes shall be for removal or no removal.

Duty of managers in making return.

Sec. 3. *Be it further enacted,* That the managers at said election, shall, after the polls are closed at the several precincts, carefully count out and compare the votes at their respective precincts, and shall send up to the managers at Russellville, a correct and certified statement of the vote, together with a list of all those who may have voted at such precinct; which return shall be made within three days from the day of election; and the managers at Russellville shall proceed as in case of a general election, to carefully count and compare the votes, as returned from the several

Votes shall be compared.

precincts; and when the votes are so counted and compared, the Sheriff or Coroner shall make public proclamation of the vote as thus ascertained; and if it shall so happen, that a majority of all those voting at said election, shall have voted for "no removal," then, in that event, the Court House shall be, and remain permanently located at Russellville. But if a majority of all those voting at said election, shall have voted for "removal," then, it shall be the duty of the said Sheriff or Coroner to hold another election as provided for in the next section of this act.

Effect of the election.

Sec. 4. *Be it further enacted*, That if a majority of all those voting at the election provided for in the preceding sections of this act, shall have voted for "removal," then, the Sheriff of said county shall open and hold an election on the first Monday in August, 1848, for the purpose of enabling the people of said county to determine at what place they will locate the Court House, which election shall be advertised as provided for in the preceding sections of this act, and conducted in all respects as therein directed and provided for in the first election; and the Sheriff shall specify in his advertisement, what places are in nomination; and he is hereby required to place in nomination "Russellville," "The Centre" and "Tuscumbia;" and he may place two other places in nomination, if to him it seems proper, or if he be requested to do so by any fifty voters of said county. At said election the voters shall write on their tickets the name of the place at which they desire the court house to be located; and the managers at the several precincts shall count out and compare the votes, and send up a correct and certified statement, and list of voters, as in the first election herein provided for; and the managers at Russellville, shall, in like manner, count and compare the votes, as sent up from the several precincts; and the Sheriff or Coroner, as the case may be, shall make public proclamation of the result of said election; and if any place shall have received a majority of all the votes given, such place shall be and remain the permanent location of the Court House of said county; but if no place shall receive a majority of all the votes cast at said election, then, the Sheriff of said county, or the Coroner, as the case may be, shall proceed to hold another election, as provided for in the next section of this act.

If a majority vote for removal, election shall be held for county site.

What places to be in nomination.

Sec. 5. *Be it further enacted*, That if, at the last mentioned election, no place shall have received a majority of all the votes cast, then, it shall be the duty of the said Sheriff, or Coroner, as the case may be, to advertise as before directed, and hold another election on the second Mon-

Neither place receiving a majority another election shall be held.

day in November, 1848; and said Sheriff shall place in nomination, in said advertisement, the two places which may have received the largest number of votes, at the preceding election, and no other place shall be voted for at said election; which election shall be held and conducted as the preceding one. The managers at the several precincts shall send up certified statements of the votes, and lists of the voters; and the managers at Russellville shall count and compare said votes, and the Sheriff shall make proclamation, as required in the preceding election; and the place receiving the highest number of votes shall be and remain the permanent location for the Court House of said county.

If place other than Russellville is elected, other proceedings shall be had.

Sec. 6. *Be it further enacted*, That, in the event the court house is located in said county at any other place than Russellville, it shall be the duty of the Judge of the County court, within one month after such location is made, to appoint five commissioners, whose duty it shall be, as soon as may be, to select a site for the court house and jail of said county, at the place selected as the permanent location for the court house: *Provided*, that should said location be made at "the centre," said commissioners may select any place most suitable for said buildings within two miles of the centre of said county; and said Commissioners shall report to the Commissioner's court, on or before the first Monday in January, 1849, what site they have selected, together with any information they may deem proper to communicate: *Provided*, any three of said Commissioners shall be a quorum to act in making said selection.

Public buildings shall be let to lowest bidder.

Sec. 7. *Be it further enacted*. That as soon as said Commissioners shall have reported the site selected, it shall be the duty of the Judge of the County court and the Commissioners of revenue and roads of said county, to advertise for proposals, and contract for the building of a court house and jail for said county; and the said commissioners are hereby authorized and empowered to levy such an additional county tax upon the taxable property of said county, as may be sufficient to defray the expenses of building and furnishing said court house and jail.

Penalty on sheriff for failure.

Sec. 8. *And be it further enacted*, That if the Sheriff of said county shall fail or refuse to do and perform the duties herein required, he shall, for such failure or refusal, be fined in a sum not less than three hundred, nor more than two thousand dollars, to be recovered upon motion before the Circuit court of said county: *Provided*, said Sheriff shall have ten days notice of said motion.

Approved, March 4, 1848.

[No. 243.]

AN ACT

Amendatory of an act to locate permanently the county site of Cherokee County, approved January 15, 1844.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Joseph Wharton, Aaron Clifton, Thomas Garrett, Asa W. Allen, and Asa R. Brindley, be, and they are hereby, appointed a building committee, to lay off, plan and superintend the erection of a Court House in the town of Centre, and county of Cherokee, under such rules and regulations as the commissioners' court of said county may prescribe.

Sec. 2. *And be it further enacted,* That the building committee appointed by or under the authority of this act, shall, before they enter upon the discharge of any of the duties of said appointment, take and subscribe the following oath, to wit: "I, ———, do solemnly swear, that I will, to the best of my skill and ability, without fear, favor or partiality, do and perform all things required of me by law, as a member of the building committee, so long as I continue to discharge the duties incumbent upon me as such.—So help me God:" which oath shall be taken before the judge of the County Court, or some justice of the peace of said county, and subscribed, and be placed in the office of the clerk of the County Court of said county.

Sec. 3. *And be it further enacted,* That the said building committee be authorized to appoint one of their number Treasurer, and that said treasurer shall, before he enters upon the discharge of the duties of said appointment, give bond, in the sum of one thousand dollars, to the judge of the County Court of said county, for the faithful discharge of his duties as treasurer, hereinafter disclosed.

Sec. 4. *And be it further enacted,* That the commissioners of the town of Centre, and the treasurer of the county of Cherokee, be required to transfer and pay over to the treasurer of said building committee, all notes, bonds, moneys, and choses in action, arising from the sale of lots in the town of Centre, which are now in the hands of said county treasurer, or town commissioners, or which may accrue from sales hereafter to be made by said commissioners.

Sec. 5. *And be it further enacted,* That all moneys, notes or bonds, or other securities for money that may, or ought to come into the hands of the treasurer of said building committee, by virtue of the provisions of this act, shall be deemed a county fund, and shall be, by said treasurer,

and his successors in office, collected, preserved and disbursed in the manner directed by said building committee, for the erection of a court house in the town of Centre, in said county.

Com'rs may make titles to lots.

Sec. 6. *And be it further enacted*, That the commissioners of the town of Centre, in said county, and their successors in office, or a majority of them, be authorized to make titles to all purchasers of lots and their transfers, on their compliance with the terms of sale.

Sales of lots how to be advertised.

Sec. 7. *And be it further enacted*, That the commissioners of the town of Centre shall not, hereafter, be required to advertise the sales of the lots in the town of Centre in a public gazette, but shall give notice of such sale by posting up notices of the same at not less than five public places in said county, one of which shall be at the court house of said county.

Quorum.

Sec. 8. *And be it further enacted*, That if, at any time, there should be any of the building committee absent, a majority of said committee is authorized to transact business, and the members of said committee shall be entitled to such compensation as may appear to the commissioners' court of said county reasonable and right, not to exceed two dollars for each day's service.

Vacancies.

Sec. 9. *And be it further enacted*, That should vacancies occur in said building committee, by death, resignation, or otherwise, said vacancies shall be supplied by the remaining members of the committee; and all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, Feb 22, 1848.

[No. 244.]

AN ACT

Providing for the permanent location of the seat of justice of Russell county.

Sheriff shall hold election.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That immediately after the passage of this act, it shall be the duty of the sheriff of Russell county, and he is hereby required so to do, after giving at least forty days notice, in writing, to be posted up at the court house, and each precinct, to cause to be opened a poll, for the purpose of ascertaining the sense of the people of said county, in relation to the removal of the seat of justice therein; said poll shall be opened at the court house and each election precinct in said county, and shall be conducted by managers appointed by said sheriff in the same manner and under the same rules and regulations as are required to be observed in the elec-

How conducted.

tion of members of the General Assembly; and all persons voting at said election, who may be in favor of "removal" shall write on their tickets the word "removal" and those of a contrary opinion shall write on their tickets "no removal;" and all votes given at said election shall be counted out and returned by the managers to the sheriff at the court house within three days after said election; and the said sheriff shall carefully count out and compare the votes so given in, and shall proclaim the result: *Provided*, such persons only shall be entitled to vote at said election as are by law entitled to vote for members of the General assembly. Proviso.

Sec. 2. *And be it further enacted*, That if after the votes given at said election the result shall prove that a majority of the votes are in favor of "removal," it shall be the duty of the sheriff to cause another election to be held at the court house and at each precinct in said county, after giving at least thirty days notice in writing, to be posted up at the court house and at each precinct, for the purpose of ascertaining the particular place where a majority of the citizens of said county desire permanently to locate the seat of justice of said county. In the election contemplated by this section, as many places as may be desired may be put in nomination to be voted for, and if after the votes are counted out by the managers at each precinct, and compared by the sheriff, it shall appear that any one place shall have received a majority of all the votes given, the same shall be the seat of justice of said county; but if no one place shall have received a majority of all the votes polled in said election, it shall be the duty of the sheriff to cause a third election to be held in the same manner, and under the same rules and regulations as hereinbefore prescribed; at which election the two places having received the highest number of votes only shall be voted for, and after the votes shall have been counted out by the managers and compared by the sheriff, the place having received the highest number of votes shall be declared duly elected, and shall be the seat of justice of said county. If a majority favor removal, sheriff shall proceed to hold election for county site, until some one place receives a majority.

Sec. 3. *Be it further enacted*, That the seat of Justice of said county shall remain where it is now located, until a court house and jail shall be erected at the place elected, equal in size and finish, to the one at Crawford, and shall be built free of expense to the county. Seat of justice shall remain at Crawford, until &c.

Sec. 4. *Be it further enacted*, That whenever it shall be ascertained what particular place has been elected for the permanent seat of justice of said county of Russell, under the provisions of this act, it shall be the duty of the commissioners court of revenue and roads, to appoint three discreet persons, whose duty it shall be to superintend the building of the court house and jail at the place so elected, and receive the same in behalf of the county, if in their opinion the same shall be built according to contract. The commissioners so appointed by the commissioners court, under this section, shall be authorized to make or cause to be made any disposition by sale or otherwise of the old court house and jail now Duty of Com'rs court in the building of new C. H. and Jail.

belonging to said county; and the proceeds arising from the sale or other disposition thereof shall be applied to the building of the new court house and jail.

Approved, Feb. 29, 1848.

[No. 245.]

AN ACT

Permanently to locate the seat of justice of Marshall county, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the sheriff of Marshall county shall open and hold an election at the different precincts in said county, for the purpose of permanently locating the seat of justice for the said county of Marshall, in the following manner to-wit: the said sheriff shall, twenty days previous to the first Monday in March next, notify the people of said county by public advertisement, put up at six or more public places in said county of Marshall, that the aforesaid election will be held as above specified, on the first of March next; at which time it is made lawful for all the legal voters of the said county to vote at said election, for any place in the said county they may think proper, and upon casting up the votes, the four places receiving the greatest number of votes, shall be subject to a second election.

Sec. 2. *And be it further enacted,* That it shall be the duty of the sheriff aforesaid, after giving twenty days notice at at least six public places in the said county, to hold an election on the first Saturday in May next, at all the precincts in said county at which time the four places having received the largest number of votes as specified in the first section of this act, shall be put in nomination, and be voted for as in the first election, and the three places which shall receive the greatest number of votes at said election, shall be subject to a third election to be held in the manner aforesaid.

Sec. 3. *And be it further enacted,* That it shall be the duty of the sheriff aforesaid, after giving twenty days notice by advertisement, at six or more public places in the said county, to hold an election on the first Saturday in July next, at all the precincts in said county, at which time the sheriff aforesaid, shall place in nomination the three places having obtained the greatest number of votes at the last election, to be voted for at that election, and the two places that receive the greatest number of votes at said election, shall be the two places put in nomination to be voted for on the first Monday in August next.

Sec. 4. *And be it further enacted,* That it shall be the duty of the sheriff of the said county of Marshall, after giving twenty days notice by advertisement, at six or more public places in said county, to place in nomination the two places which received the

Election shall be held, how advertised and conducted.

2d Election.

3d Election.

4th Election.

largest number of votes at the July election, to be voted for on the first Monday in August next, and the place which receives the largest number of votes on the said first Monday in August next shall be the permanent seat of justice for said county of Marshall; any law, usage or custom, to the contrary, notwithstanding:

Effect of 4th election.

Sec. 5. *And be it further enacted*, That it shall be the duty of the sheriff aforesaid, to cause all the votes given in at the several precincts, to be brought together at Warrenton, within the three first days following each election, to be compared by the said sheriff and the clerk of the circuit court, and on ascertaining the result. it shall be the duty of the sheriff to make known, by public proclamation, the number of votes, the names of the places voted for, and the number of votes for each.

Votes in each election to be compared.

Sec. 6. *And be it further enacted*. That the Judges of the circuit and county courts for said county, after the fall term of the circuit court of said county for the year of our Lord one thousand eight hundred and forty eight, shall hold their respective courts at the place so elected for said county site; and the clerks of the circuit and county courts shall thereafter keep their offices at the said place, or vacate the same; and all writs and process of every nature and kind, returnable to either of said courts at Warrenton, shall be properly and lawfully returnable to the place elected for said county site, any law to the contrary notwithstanding.

Place of holding court after fall term, 1848.

Sec. 7. *And be it further enacted*, That the said sheriff shall be entitled to such compensation, for holding said elections, as the commissioners court of said county may allow, to be paid out of the county treasury of said county; and if the said sheriff shall fail or refuse to discharge the duties assigned him by this act, he shall forfeit and pay the sum of one thousand dollars, to be recovered before any court having jurisdiction thereof, one half to the person suing for the same, and the other half to the use of the county.

Compensation to sheriff.

Sec. 8. *And be it further enacted*, That said sheriff shall cause to be kept a separate box at each precinct, for the purpose of receiving the votes that are given in for said county site, and said sheriff shall hold said election in the same manner that elections are held for members of the General Assembly, with the exception of the provisions contained in the first section of this act.

His duty in conducting election

Sec. 9. *And be it further enacted*, That if any person, not being a legal voter of said county, shall vote at any of the elections authorized by this act to be held, he shall be liable to prosecution, conviction and punishment as in cases of persons illegally voting for members of the State Legislature.

Penalty for voting illegally.

Sec. 10. *And be it further enacted*, That it shall be the duty of the judge of the circuit court, presiding at the next fall term in said county, on the application, in writing, of any five legal voters of said county, to examine and purge the polls of the last election directed by this act to be held, and declare which place has received the highest number of legal voters, and which shall thereafter be the county site of said county; and for this purpose, it

On application, judge of circuit court shall examine and purge the polls.

shall be the duty of the sheriff carefully to seal up, in separate packets, the votes and list of voters at each precinct, and preserve the same until the adjournment of said fall term of said circuit court.

Reservation.

Sec. 11. *And be it further enacted*, That nothing in this, or other law, shall be construed so as to prevent the legal voters of said county from voting for and re-electing if they think proper, the present county site of said county.

Approved, January 15, 1848.

[No. 246.]

AN ACT

For the support of paupers in the county of Henry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That the Judge of the county court and commissioners of roads and revenue for the county of Henry, be, and they are hereby authorized, whenever they, or a majority of them, shall deem it necessary, to purchase and receive title to any quantity of land, not exceeding eighty acres, which title shall be made to the Judge of the county court of Henry county, and his successors in office, and shall vest in, and be the property of said county of Henry.

Com's court
may purchase
land.

May contract for
public buildings.

Sec. 2. *And be it further enacted*. That said Judge and commissioners are hereby authorized to contract for the building of all necessary houses for the purposes herein mentioned, and to do every thing else that is necessary to be done, to carry into effect the intention of this act, the expenses of which shall be paid out of the treasury of said county.

Paupers.

Superintendent
to be appointed.

Sec. 3. *And be it further enacted*. That whenever it shall appear to said court that any person, being a citizen of said county is a subject of public charity, he, she or they, so soon as there be a poor house in said county, may be ordered by said court, to be conveyed to the said poor house, to be taken care of, and supported, by some suitable person, to be employed by said Judge and commissioners to superintend and take care of the poor of said county.

Quar. meetings
at the poor house

Powers of Com's

Sec. 4. *And be it further enacted*. That it shall be the duty of said Judge and commissioners, or a majority of them, to meet at said poor house, at least once in every six months, for the purpose of examining into the condition of the premises and treatment of the paupers; and that said court shall have power to dismiss any person from the charge of said poor house, whenever, in their opinion, the interests of the poor may require it, and make such rules and regulations generally, as to them may seem advisable, having due regard to economy and the comfort of the poor.

Overseers of the
poor to be ap-
pointed.

Sec. 5. *And be it further enacted*. That at the first court of said commissioners, after said poor house shall be built, said court shall appoint one discreet person in each Captain's beat in said

county, to act as an overseer of the poor, whose duty it shall be to report to said court what person or persons are within his beat properly the subject of charity and public support; and said overseer shall continue in office for the term of one year.

Sec. 6. *And be it further enacted,* That before any superintendent shall enter upon the duties of his office, he shall enter into bond, with two or more good securities, in the sum of one thousand dollars, payable to the Judge of the county court of Henry county, and his successors in office, conditioned for the faithful performance of the duties of his office. Superintendent shall give bond.

Sec. 7. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, Jan. 28, 1848.

[No. 247.]

AN ACT

For the support of Paupers in the county of Coosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the judge of the County Court and commissioners of roads and revenue for the county of Coosa, be, and they are hereby, authorized, whenever they, or a majority of them, shall deem it necessary or expedient, to purchase, and receive title to, any quantity of land within eight miles of the county site of said county, not exceeding one quarter of a section; which title shall be made to the judge of the County Court of said county, and his successors in office, and shall vest in, and be the property of, said county of Coosa, for the purpose of erecting thereon and maintaining a Poor House in said county. Com's court may purchase land for erection of poor house.

Sec. 2. *And be it further enacted,* That the said judge and commissioners are hereby authorized to contract for the building of all necessary houses for the purposes herein mentioned, and every thing else necessary to be done; the expenses of which purchase of land, and contract, shall be paid out of the county treasury of said county. And contract for buildings.

Sec. 3. *And be it further enacted,* That whenever it shall appear to the court of commissioners of roads and revenue of said county, that any person, or persons, is or are a subject of public charity and support, he, she or they, so soon as there be a poor house in said county, may be ordered by said court to be conveyed to said poor house, to be taken care of and supported; and said court is hereby authorized to employ some suitable person to superintend said poor house, and take care of all the poor of said county of Coosa, placed within the same. Paupers. Superintendent to be appointed.

Quar. meetings
of com'rs to be at
poor house.

Sec. 4. *And be it further enacted*, That it shall be the duty of said judge and commissioners, or a majority of them, to meet at said poor house, at least once in every three months, for the purpose of examining into the condition of the land, buildings, furniture, and treatment of the paupers; and the said court shall have power to dismiss any person, who may be selected as superintendant, from the charge of said poor house, at the pleasure of said court, and to make all such rules and regulations as may seem to them advisable, with due regard to economy and the comfort of the poor.

Paupers may be
removed.

Sec. 5. *And be it further enacted*, That if any person, or persons, shall be, by the authority aforesaid, conveyed to said poor house, to be taken care of and supported, he, she or they may be removed therefrom, by the court aforesaid, whenever, in the judgment and opinion of said court, such person, or persons, shall cease to be subjects of public charity.

Overseers of the
poor to be ap-
pointed.

Sec. 6. *And be it further enacted*, That, at the first court of said commissicners of roads and revenue, after said poor house shall be built, the said court shall appoint one discreet person in each captain's beat, to act as an overseer of the poor, whose duty it shall be to report to each term of said court, what person or persons is, or are within his beat, properly the subject of charity and public support, and whether such person, or persons, have gained a legal residence in said county; and the said court shall enquire into the facts, and make such order as is required by the third section of this act, or such other order, if they should determine against such report as said court shall deem proper and expedient; and said overseer shall continue in office as the law now directs; and said court shall, at any regular or special term thereof, fill any vacancies occasioned by death, removal or otherwise.

Their duties and

Sec. 7. *And be it further enacted*, That said judge and commissioners shall keep a book, and enter therein a statement of disbursements and receipts; as well as a general record of all their proceedings in relation to said poor house, and its inmates; and make an annual report of the same, to be entered upon said book; which book shall, at all times, be kept open for the inspection of said citizens of Coosa county.

Sec. 8. *And be it further enacted*, That before any superintendant shall enter upon the discharge of the duties of his office, he shall enter into bond, with two or more good securities, payable to the judge of the County Court, and his successors in office, to be approved of by said commissioners' court of roads and revenue, and in such penalty

as said court may direct, conditioned for the faithful discharge of his duties as superintendant of said poor house; and said bond shall not be void on first recovery, but may be sued on as often as said judge and commissioners shall be of opinion that the conditions thereof have been violated; and the said commissioners' court shall have power to make such rules and regulations for the support of the poor house, as to them may seem to comport with the interests of the county, and the health and comfort of the poor.

Sec. 9. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, Feb. 8, 1848.

[No. 248.]

AN ACT

For the support of Paupers in the county of Sumter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That the judge of the County Court and commissioners of roads and revenue for the county of Sumter, be, and they are hereby authorized, whenever they, or a majority of them, shall deem it necessary, to purchase and receive title to any quantity of land, not exceeding one quarter of a section; which title shall be made to the judge of the County Court of Sumter county, and his successors in office, and shall vest in, and be the property of, Sumter county. Com's court may purchase land.

Sec. 2. *And be it further enacted*, That said judge and commissioners are hereby authorized to contract for the building of all necessary houses for the purposes therein mentioned, and every thing else that is necessary to be done; the expenses of which shall be paid out of the county treasury of Sumter county. May contract for buildings thereon

Sec. 3. *And be it further enacted*, That whenever it shall appear to the court of commissioners of roads and revenue of Sumter county, that any person is a subject of public charity and support, he, she or they, so soon as there be a poor house in said county, may be ordered by said court to be conveyed to said poor house, to be taken care of and supported; and said court is authorized to employ some suitable person to superintend and take care of the poor of said county of Sumter. Paupers.
Superintendent.

Sec. 4. *And be it further enacted*, That it shall be the duty of the judge of the County Court and commissioners Quar. meetings at poor house.

of roads and revenue, or a majority of them, to meet at the poor house of their county, at least once in every three months, and examine the situation of the house, and the furniture, the paupers, and their treatment; and the said court shall, in all cases, have power to dismiss any person from the care and charge of the poor house, at the pleasure of said court, and to make all such rules and regulations as to the said court shall seem necessary and advisable, with due regard to economy, and the comfort of the poor.

Overseers of the
poor to be ap-
pointed.

Sec. 5. *And be it further enacted,* That at the first court of commissioners of roads and revenue, after a poor house shall have been built in Sumter county, the said court shall appoint one person in each captain's beat, to act as an overseer of the poor; whose duty it shall be to report to each term of the commissioners' court what person or persons are within his beat, properly the subject of charity and public support; and the said court shall inquire into the facts of the case of each reported, and order them to be conveyed to the poor house, or make such other order, (if the court should determine against such report,) as said court shall deem proper and expedient; and the said overseers, so appointed, shall continue in office one year; and said court shall, at each regular term thereof, fill all vacancies occasioned by death, resignation, removal, or expiration of term of service, or otherwise.

Superintendent
shall give bond.

Sec. 6. *And be it further enacted,* That before any person, who may be employed by the commissioners' court of roads and revenue, to superintend the poor house of Sumter county, shall enter upon the discharge of his duty, he shall enter into bond, with two or more good securities, payable to the judge of the County Court of said county, and his successors in office, to be approved of by said judge, conditioned for the faithful discharge of his duty; said bond to be in such penalty as the said court may direct, and shall not be void on the first recovery, but may be sued on as often as the judge and commissioners shall be of the opinion that the conditions have been violated; and the judge and commissioners shall have power to make such rules and regulations, for the support of the poor at the poor house, as to them may seem to comport with the interest of the county, and the health and comfort of the poor.

Sec. 7. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, February 4, 1848.

[No. 249.]

AN ACT

For the support of Paupers in the county of Dallas.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the County court and Commissioners of roads and revenue for the county of Dallas, be, and they be hereby, authorized, whenever they, or a majority of them, shall deem it necessary, to purchase and receive title to any quantity of land, not exceeding one half of a section; which title shall be made to the judge of the County court of Dallas county, and his successors in office, and shall vest in, and be the property of said county of Dallas, for the purpose of erecting thereon and maintaining a Poor House in said county.

Com'rs court may purchase land upon which to erect poor house.

Sec. 2. *And be it further enacted,* That said judge and commissioners are hereby authorized to contract for the building of all necessary houses for the purposes therein mentioned, and do everything else necessary to be done; the expenses of which purchase and contracts, shall be paid out of the county treasury of Dallas; and said judge and commissioners are empowered to levy an additional tax of ten per cent on the State tax, to defray all the expenses by them so incurred, if, in their judgment, it may be deemed necessary.

May contract for buildings.

Sec. 3. *And be it further enacted,* That whenever it shall appear to the court of commissioners of roads and revenue of Dallas county, that any person is a subject of public charity and support, he, she or they, so soon as there be a poor house in said county, may be ordered by said court to be conveyed to said poor house, to be taken care of and supported; and said court is authorized to employ some suitable person to superintend said poor house, and take care of all the poor of said county of Dallas, placed within the same.

Paupers.

Sup. shall be appointed.

Sec. 4. *And be it further enacted,* That it be the duty of said judge and commissioners, or a majority of them, to meet at said poor house, at least once in every three months, for the purpose of examining into the condition of the lands, buildings, furniture and treatment of the paupers; and the said court shall have power to dismiss any person from the charge of said poor house, at the pleasure of said court, and to make all such rules and regulations, as to them may seem advisable, with due regard to economy and the comfort of the poor.

Quar. meetings at poor house.

Sec. 5. *And be it further enacted,* That said judge and commissioners shall keep a book and enter therein, a state-

Record of proceedings to be kept.

ment of disbursements and receipts, as well as a general record of all their proceedings in relation to said poor house and its inmates, and make an annual report of the same, to be entered upon said book, which shall at all times be kept open for the inspection of the citizens of said county.

Overseers of the poor to be ap'ted. *Sec. 6. And be it further enacted,* That at the first court of said commissioners of roads and revenue, after said poor house shall be built, the said court shall appoint one discreet person in each captain's beat, to act as an overseer of the poor, whose duty it shall be, to report to each term of said court, what person or persons are within his beat, properly the subject of charity, and whether such person or persons have gained a legal residence in said county, and said Court shall inquire into the facts and make such order as is required by the third section of this act, or such order (if they should determine against such report) as said court should deem proper and expedient; and said overseer, so appointed, shall continue in office one year, and said court shall, at each term thereof, fill all vacancies occasioned by death, removal or otherwise.

Duty and powers

Sup. shall give bond. *Sec 7. And be it further enacted,* That before any superintendant shall enter upon the duties of his office, he shall enter into bond, with two or more good securities, payable to the judge of the County court of said county and his successors in office, to be approved of by said commissioners court of roads and revenue, and in such penalty as said court may direct, conditioned for the faithful discharge of the duties of his office; and said bond shall not be void on the first recovery, but may be sued on as often as the judge and commissioners shall be of opinion that the conditions have been violated.

Repeals. *Sec. 8. And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, Jan. 29, 1848.

[No. 250.]

AN ACT

For the support of Paupers in the County of Clarke.

Com's court may purchase land. *Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the judge of the County court and commissioners of roads and revenue of Clarke county, be, and they are hereby, authorized, whenever they, or a majority of them, shall deem it necessary, to purchase and

receive titles to any quantity of land, not exceeding one quarter section; which titles shall be made to the Judge of the County court of Clarke, and his successors in office, and shall vest in, and be, the property of the County of Clarke.

Sec. 2. *And be it further enacted*, That said judge and commissioners, or a majority of them, are hereby authorized, to contract for the building of all necessary houses and improvements for the purposes herein mentioned; the expenses of which shall be paid out of the county treasury of Clarke county.

And contract for building of poor house.

Sec. 3. *And be it further enacted*, That whenever it shall appear to the Commissioners court of roads and revenue of said county of Clarke, that any person is a fit and proper subject of public charity and support, he, she, or they, so soon as there be a poor house in said county, may be ordered by said court to be conveyed to said poor house, as aforesaid. to be taken care of and supported: and said court is hereby authorized to employ some suitable person as steward, to superintend and take care of all the poor of said county that may be placed under them.

Paupers.

Steward to be appointed.

Sec. 4. *And be it further enacted*, That it shall be the duty of said Judge of the County court and commissioners of roads and revenue, or a majority of them, to meet at the poor house of said county, once in every three months, and to examine into the condition of the house, the furniture, the paupers and their treatment; and the said court shall in all cases have power to dismiss any person from the care and charge of the poor house at the pleasure of said court; and to make all such rules and regulations as the said court shall deem necessary and advisable, with due regard to economy and the comfort of the poor.

Meetings at poor house quarterly.

Powers.

Sec. 5. *And be it further enacted*, That said judge and commissioners court, shall cause to be kept, a book or record, in which shall be entered a full and correct statement of all disbursements and receipts, as well as a general record of all their proceedings in relation to the management and expenses of said poor house and paupers: which said record shall at all times be kept open for inspection and examination of all the citizens of the county, and shall receive a compensation for their services, the same as is now provided for by law; and the clerk of the County court of said county, whose duty it shall be to keep and make up said record, shall receive for such services, additional compensation, as said court may deem fit and proper.

Record to be kept

Sec. 6. *And be it further enacted*, That at the first court to be holden by said judge and commissioners of roads and revenue, after said poor house is completed, the said

Overseers of the poor to be ap'ted one in each beat

court shall appoint one discreet person in each Captain's beat in said county, to act as overseer of the poor; whose duty it shall be to report to each term of said court, all such persons in said beat, who may be proper subjects of charity and public support, and whether such person or persons are resident citizens of said county of Clarke, and the said court shall inquire into the facts, and make such as is required by this act, or such other orders as they may deem necessary and proper, and said overseers shall serve the term of two years, and all vacancies shall be filled by said court.

Steward shall
give bond.

Sec. 7. *And be it further enacted*, That before any Steward or Superintendant, shall enter upon the duties of his office, he shall enter into bond with two or more good securities, payable to the judge of said County court, and his successors in office, to be approved of by said court of commissioners of roads and revenue, and in such penalty as said court may direct, conditioned for the faithful discharge of the duties of his office; which said bond shall not be void on first recovery thereon, but may be sued on as often as may be deemed necessary and proper by said court; and the said commissioners court shall have power to make such rules and regulations for the support of the poor house as to them may seem to comport with the interests of the county, and the health and comfort of the poor.

Approved, February 29, 1848.

[No. 251.]

AN ACT

For the support of paupers in the county of Macon.

Power of Com's
court in purchas-
ing land & build-
ing a poor house.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Judge of the county court and commissioners of roads and revenue for the county of Macon, be, and they are hereby authorized, whenever they or a majority of them, shall deem it necessary or expedient, to purchase and receive title to any quantity of land within ——— miles of the county site of Macon, not exceeding one section; which title shall be made to the Judge of the county court of Macon county, and his successors in office, and shall vest in and be the property of the said county of Macon, for the purpose of erecting thereon, and maintaining a poor house in said county.

May contract for
buildings.

Sec. 2. *And be it further enacted*, That the said Judge and commissioners, are hereby authorized to contract for the building of all necessary houses for the purposes therein mentioned, and every thing else necessary to be done, the expenses of which

purchase of land, and contract, shall be paid out of the county treasury of Macon county.

Sec. 3. *And be it further enacted*, That whenever it shall appear to the court of commissioners of roads and revenue of Macon county, that any person or persons, is or are a subject of a public charity or support, he, she or they, so soon as there be a poor house in said county, may be ordered by said court to be conveyed to said poor house to be taken care of and supported; and said court is hereby authorized to employ some suitable person to superintend said poor house, and take care of all the poor of said county of Macon placed within the same.

Of Paupers.

Sec. 4. *And be it further enacted*, That it shall be the duty of said Judge and commissioners, or a majority of them, to meet at said poor house at least once in every three months, for the purpose of examining into the condition of the land, buildings, furniture and treatment of the paupers; and the said court shall have power to dismiss any one who may be selected as superintendant, from the charge of said poor house, at the pleasure of said court, and to make all such rules and regulations as to them may seem advisable, with due regard to economy and the comfort of the poor.

Meetings at poor house quarterly.

Sec. 5. *And be it further enacted*, That if any person or persons shall be by the authority aforesaid, conveyed to said poor house, to be taken care of and supported, be he, she or they, may be removed therefrom by the court aforesaid whenever in the judgment and opinion of said court, such person or persons, shall cease to be subjects of public charity.

Power of court in dismissing paupers.

Sec. 6. *And be it further enacted*, That at the first court of said commissioners of roads and revenue, after said poor house shall be built, the said court shall appoint one discreet person in each captain's beat, to act as overseer of the poor, whose duty it shall be to report to each term of said court, what person or persons is or are, within his beat, properly the subject of charity and public support, and whether such person or persons have gained a legal residence in said county; and the said court shall enquire into the facts and make such order as is required by the third section of this act, or such other order (if they should determine against such request) as such court shall deem proper and expedient; and said overseer so appointed, shall remain in office one year; and said court shall, at each term thereof, fill all vacancies occasioned by death, removal, or otherwise.

Overseers of poor to be appointed in each beat.

Sec. 7. *And be it further enacted*, That said Judge and commissioners shall keep a book, and enter therein a statement of disbursements and receipts, as well as a general record of all their proceedings. in relation to said poor house and its inmates, and make an annual report of the same to be entered upon said book; which book shall at all times be kept open for the inspection of said citizens of Macon.

Record of proceedings to be kept.

Sec. 8. *And be it further enacted*, That before any superintendant shall enter upon the discharge of the duties of his office, he shall enter into bond with two or more good securities,

Sup. shall enter into bond

payable to the Judge of the county court of said county, and his successors in office, to be approved of by said commissioners court of roads and revenue, and in such penalty as the said court may direct, conditioned for the faithful discharge of his duties as superintendant of said poor house, and said bond shall not be void on the first recovery but may be sued on as often as the Judge and commissioners shall be of opinion that the conditions thereof have been violated.

Repeals.

Sec. 9. *And be it further enacted*, That, all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, March 1, 1848.

[No. 252.]

AN ACT

For the support of Paupers in the County of Cherokee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the judge of the County court, and the commissioners court of roads and revenue for the county of Cherokee, be, and they are hereby, authorized, whenever a majority of them, shall deem it necessary, to purchase and receive title to any quantity of land, not exceeding one quarter section; which title shall be made to the Judge of the County court of Cherokee county, and his successors in office, and shall vest in, and be, the property of Cherokee county.

Com'rs court may purchase land.

Sec. 2. *And be it further enacted*, That said Judge and Commissioners are hereby authorized to contract for the building of all necessary houses for the purposes herein-after mentioned, and every thing else that is necessary to be done; the expenses of which shall be paid out of the County treasury of Cherokee county.

May contract for building a poor house.

Sec. 3. *And be it further enacted*. That whenever it shall appear to the court of commissioners of roads and revenue of Cherokee county, that any person is a subject of public charity and support, he, she, or they, so soon as there be a poor house in said county, may be ordered by said court, to be conveyed to the said poor house, to be taken care of and supported; and said court is authorized to employ some suitable person, to take care of all the poor of said county of Cherokee.

Of Paupers.

Sup. shall be appointed.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Judge of the County court, and commissioners of roads and revenue, or a majority of them, to meet at the poor house of their county, at least once in every three

Shall meet at poor house quarterly.

months, and examine the situation of the house and the furniture, the paupers and their treatment; and the said court shall in all cases have power to dismiss any person from the care and charge of said poor house, at the pleasure of said court; and to make all such rules and regulations as to the said court shall seem necessary and advisable, with due regard to economy and the comfort of the poor. Powers.

Sec. 5. *And be it further enacted*, That at the first court of Commissioners of roads and revenue, after a poor house shall have been built in said county, the said court shall appoint one person in each Captain's beat, to act as an overseer of the poor, whose duty it shall be to report to each term of the Commissioners court, what person or persons are within his beat, properly the subject of charity and public support; and the said court shall inquire into the facts of the case of each reported, and order them to be conveyed to the poor house, or make such other order (if the court should determine against such report) as said court shall deem proper and expedient; and the said overseers, so appointed, shall continue in office one year; and said court shall, at each regular term thereof, fill all vacancies occasioned by death, resignation, or otherwise. Overseers of the poor to be appointed.

Sec. 6. *And be it further enacted*, That before any person, who may be employed by the commissioners court of roads and revenue, to superintend the poor house of Cherokee county, shall enter upon the discharge of his duty, he shall enter into bond with two or more good securities, payable to the Judge of the County court of said county, and his successors in office, to be approved of by said Judge, conditioned for the faithful discharge of his duty; said bond to be in such penalty as the said court may direct, and shall not be void on the first recovery, but may be sued on as often as the Judge and Commissioners shall be of opinion that the conditions have been violated; and the judge and commissioners shall have power to make such rules and regulations for the support of the poor at the poor house, as to them may seem to comport with the interests of the county, and the health and comfort of the poor. Superintendent shall give bond.

Sec. 7. *And be it further enacted*, That the Judge of the County court, and the commissioners of roads and revenue, be, and they are hereby, authorized, to levy a tax, not to exceed ten per cent annually, on the State tax; which shall be collected in money by the tax collector of said county, and paid into the county treasury, subject to the order of said commissioners court, which shall be applied exclusively to the support of paupers, and the purchase of such lands as they may deem necessary to erect a poor Tax shall be levied for support of paupers.

house and the necessary buildings thereon: *Provided*, the said tax collector and county treasurer shall not receive any compensation for collecting and paying out said monies.

Repeals.

Sec. 8. *And be it further enacted*. That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby, repealed.

Approved, February 29, 1848.

[No. 253.]

AN ACT

To provide for the payment of Jurors and Bailiffs, in the county of Autauga.

Duty of county treasurer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, it shall be the duty of the county treasurer of the county of Autauga, in each and every year, to reserve a sufficient amount of the county funds for the payment of jurors' and bailiffs' certificates, in preference to all other claims against said county of Autauga.

Further duties.

Sec. 2. *And be it further enacted*, That it shall be the duty of the treasurer aforesaid, to attend upon the last day of each and every Circuit and County court, held in and for said county, at the court house, and shall then and there pay out of the funds directed to be reserved by the first section of this act, all jurors' and bailiffs' certificates issued at the then term of the court.

Approved, Feb. 25, 1848.

[No. 254.]

AN ACT

To change the time of holding the court of Commissioners of Roads and Revenue of Montgomery county.

When held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter the Commissioners' Court of Roads and Revenue of Montgomery county, shall be held on the second Monday of each of the months of February, May, August and December, each year, in lieu of the time heretofore prescribed by law.

Approved, Feb. 26, 1848.

[No. 255.]

AN ACT

Providing for the appointment of a general administrator
for the county of Sumter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, whenever, in the opinion of the commissioners' court of roads and revenue for the county of Sumter, that an additional general administrator, to the one now provided for by law, is necessary, they shall be, and are hereby, authorized to proceed to the appointment of the same; who shall do all the acts required of general administrators. Additional county or gen'l. adm. may be app'ted.

Sec. 2. *And be it further enacted,* That whenever an amount is in the hands of the general administrator, or administrators, of one half of the amount of the bond given by said administrator, or administrators, then, in every instance of administration, an additional bond shall be required, with new securities. When new bond shall be required.

Approved, Feb. 25, 1848.

[No. 256.]

AN ACT

To compensate the Commissioners of Revenue and Roads
of Randolph county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the commissioners of revenue and roads for the county of Randolph, shall be entitled to one dollar and fifty cents per day for each day that they shall serve as such commissioners on county business, to be paid out of the county treasury of said county. Per diem.

Sec. 2. *And be it further enacted,* That the clerk of the County Court of said county shall, after the adjournment of each term of the commissioners' court of said county, draw his warrant on the county treasurer of said county, in favor of each commissioner, for the amount allowed by this act. Duty of clerk.

Sec. 3. *And be it further enacted,* That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby, repealed. Repeals.

Approved, February 4, 1848.

[No. 257.]

AN ACT

To regulate the mode of electing Commissioners of Revenue and Roads for the county of Covington.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

Sheriff shall hold election.

That it shall hereafter be the duty of the sheriff of Covington county, on the first Monday in August next, and every three years thereafter, on giving thirty days notice of the same, by advertisement posted up at the muster ground in each beat in said county, to cause an election to be holden for the purpose of electing one commissioner of revenue and roads in said beat, to be elected by the qualified electors of said beat, and none others; which commissioners, when so elected, shall hold their offices for the term now prescribed by law.

Vacancies.

Sec. 2. And be it further enacted, That if a vacancy shall occur in the office of said commissioner, in either one of said beats, by death, resignation, or removal, subsequent to an election as prescribed by this act, then it shall be the duty of said sheriff, immediately on information of the same, to fill the vacancy by electing another to fill said vacancy, on giving ten days notice, as aforesaid, of the time and place of holding said election.

Penalty on sheriff for failure.

Sec. 3. And be it further enacted, That if any sheriff of said county shall fail or refuse to hold the elections, as directed by this act, he shall forfeit and pay the sum of twenty dollars, recoverable before any justice of the peace in said county; which fine, when collected, shall inure to the proper county for county purposes; and any one who will, may prosecute said suit and recover the same.

Approved, Feb. 8, 1848.

[No. 258.]

AN ACT

To compel the Judge of the County and Orphans' Court of Dale County to reside within one mile of the Court House.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That from and after the passage of this act, the judge of the County and Orphans' Court of the county of Dale shall reside, and keep his office, within one mile of the court house of said county.

Sec. 2. *And be it further enacted,* That all laws, and parts of laws, militating against the provisions of this act, be, and the same are hereby, repealed.

Approved, Dec. 20, 1847.

[No. 259.]

AN ACT

For the relief of Sumter county.

WHEREAS, the term of the County Court of Sumter county, which was to have been held on and from the third Monday in January, 1848, has failed to be holden—
Therefore,

Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the judge of the County Court of said county may, in vacation, at any time before the next regular term of said court, grant licenses to retailers, on the same terms, and for the same time, now provided by law; and that such licenses shall be taken, and have effect as if the same had been granted in open court, at a term on the third Monday of January, 1848; and the parties taking the same, and their securities, shall be liable in the same manner as if such licenses had been granted in term time.

Licenses may be granted in vacation.

Effect.

Sec. 2. *Be it further enacted,* That all writs which have been executed, and returned, and entered on the appearance docket, for the third Monday of January, 1848, shall be carried to and stand on the trial docket of the next term of said court, and be proceeded in as if the court had been regularly holden on the third Monday of January, 1848.

Of process.

Approved, Jan. 25, 1848.

[No. 260]

AN ACT

To regulate Public Printing in the county of Marengo.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, all notices, orders and publications emanating from the County Court, Orphans' Court, Circuit and Chancery Courts and from the Sheriff and Tax Collector of Marengo county, which, by law, are now required to be advertised in a public newspaper, be advertised in both

Publication of notices from county, orphans', circuit or chancery courts how to be made.

the newspapers of said county: *Provided*, that the cost of the publication of said notices, orders, &c. shall not exceed the regular charges now made and allowed to one paper: *And provided, also*, that if neither of the publishers of the newspapers in said county of Marengo will accede to the terms of this act, the judges of the County and Orphans' and Circuit Courts, and the Register in Chancery, Sheriff and Tax Collector, respectively, may, at their option, select the paper in which said notices, orders, &c. shall be published, and allow to said publishers the rates usually charged for such publications; but if one or both of said publishers of said newspapers will consent to advertise said notices and orders at half prices. as above stated, the said judges, register, sheriff and tax collector, aforesaid, are hereby required to cause the same to be published in his or their paper, as the case may be.

Publisher's fees shall be taxed in bill of cost.

Sec. 2. *And be it further enacted*, That in all cases where advertisements have been ordered in said paper, or papers, by said judges, chancellor, sheriff or tax collector, said judges or chancellor are authorized and empowered to render judgment or decree, as the case may be, that the publisher's fees shall be taxed in the bill of costs of the case in and for which said publications have been made.

Approved, Feb. 8, 1848.

[No. 261.]

AN ACT

Authorizing the appointment of an additional Surveyor in the county of Coffee, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners' Court of Coffee county, be authorized to appoint an additional County Surveyor for said county.

Com'r's court may appoint.

Sec. 2. *Be it further enacted*, That it shall be the duty of the commissioners' court of said county, as early as convenient, to lay off said county of Coffee into a suitable number of beats, and cause a record of the boundaries of the several beats so laid off to be entered upon the minutes of said court.

Beats in the city to be laid off and record made.

Sec. 3. *Be it further enacted*, That all laws contravening the provisions of this act are hereby repealed.

Repeals.

Approved, February 29, 1848.

[No. 262.]

AN ACT

To authorize the appointment of an additional Constable in the Barryton beat, in the county of Choctaw.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the citizens of Barryton beat, in the county of Choctaw, to elect an additional Constable, who shall reside south of Turkey Creek, and who shall be required to give bond and security, for the same amount, and be subject to the same rules, regulations and liabilities as other constables in this State; any law to the contrary notwithstanding. Where Constable elected shall reside.

Approved, March 3, 1848.

[No. 263.]

AN ACT

To repeal a certain act therein named, confining justices of the peace and bailiffs, to their respective beats, in Randolph county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the act heretofore approved the thirteenth day of January 1844, to regulate the proceedings in justices courts, in the county of Randolph, be, and the same is hereby repealed.

Approved, February 4, 1848.

[No. 264.]

AN ACT

To consolidate the office of the Circuit and County Clerk of Covington County.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be lawful for one person to hold the office of circuit and county clerk in the county of Covington, whenever he can be elected to both offices by the qualified electors of said county, and not otherwise. Act of 1844 repealed.

Sec. 2. *And be it further enacted,* That all laws heretofore passed upon the same subject, for Covington county, be, and the same are hereby repealed.

Approved, January 23, 1848.

[No. 265.]

AN ACT

To require the Clerks of the Circuit and County Courts of Russell county, to keep reversed indexes to the books in their offices.

Duty of Clerks.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the clerks of the circuit and county courts of Russell county, be, and they are hereby required to make and keep reversed indexes to the books of record in their respective offices.

Com'r's court shall designate books.

Sec. 2. *And be it further enacted,* That the commissioners of roads and revenue of said county, shall designate by an order on the records of their proceedings such books for which said clerks shall make indexes.

Compensation to clerks.

Sec. 3. *And be it further enacted,* That said commissioners of roads and revenue are hereby authorized and required to grant to the said clerks such compensation out of the county treasury as shall be reasonable and just for making such indexes to said books up to the present time.

Duty of clerks hereafter.

Sec. 4. *And be it further enacted,* That it shall be the duty of said clerks without additional compensation, to keep all such books and records as may hereafter accumulate in their offices, furnished with such indexes, accurately made out, and on failure to do so for six months together, shall be liable to a penalty of two hundred dollars, to be recovered by action of debt at the suit of said commissioners of roads and revenue for the use of said county.

Approved Jan. 5, 1848.

[No. 266.]

AN ACT

To amend, in part, the law now in force, regulating county treasurers and tax collectors in Fayette county.

Treasurer shall furnish statement of outstanding claims.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, it shall be the duty of the treasurer of said county to furnish a written statement of all outstanding claims against said county treasury, which may have been duly presented and registered, the date of their registration, and what funds there are on hands for their payment; and when there appears to be a deficit of means, the tax collector shall be informed what proportion shall be allowed the holder of any juror certificate, or other county claim, which shall be taken in his county tax, which shall be regulated according to the amount of said claim, and a credit given on the back of said certificate by said tax collector; any law to the contrary notwithstanding.

Duty of tax collector.

Approved, Jan. 1, 1848.

[No. 267.]

AN ACT

To reduce the fees of certain county officers in the county of Butler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the commissioners of roads and revenue of Butler county, shall each hereafter receive one dollar per day, and no more for every day that they may be necessarily employed in the discharge of their duty as commissioners. Per diem of com. of roads & reve.

Sec. 2. *Be it further enacted,* That the county treasurer of said county, shall hereafter be entitled to receive one hundred dollars per annum, and no more, as a compensation for the performance of his duties, as county treasurer, instead of the compensation now allowed by law. County treasurers salary \$100.

Sec. 3. *And be it further enacted,* That all laws or parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed. Repeals.]

Approved, Jan. 15, 1848.

[No. 268.]

AN ACT

To enable the Commissioners Court of Barbour County to regulate the sheriff's allowance for extra services.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the court of roads and revenue of Barbour county, may, if they deem expedient and just, allow the sheriff of said county for extra services, any sum not exceeding one hundred dollars.

Approved, March 6, 1848.

[No. 269.]

AN ACT

Requiring the Judge of the County Court of Walker county to reside in four miles of the court house of said county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge of the county court of Walker county, or judge of probate, as the case may be, shall reside within four miles of the court house of said county. Shall reside with in four miles of court house.

Sec. 2. *And be it further enacted.* That any judge of the county aforesaid, failing to comply with the provisions of the first section of this act, shall be considered disqualified to hold said office in said county, any law to the contrary notwithstanding. Disqualification.

Approved, March 4, 1848.

[No. 270.]

AN ACT

To extend the time for making returns of insolvencies, by the tax collector of Pike county.

Special term to
be held 2d Mon-
day in Nov.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, the Judge of the county court of the county of Pike, shall hold a special court on the the second Monday in November in each year, instead of the second Monday in September as now required by law, for the purpose of examining the amount of insolvencies that may be returned by the tax collector of that county, and for all other purposes for which said court was heretofore required to be held on the second Monday in September.

Sec. '2. *And be it further enacted,* That all laws and parts of laws, contravening this act, be, and the same are hereby, repealed.

Approved, Feb. 4, 1848.

[No. 271.]

AN ACT

To repeal all local laws in regard to constables fees in the county of Conecuh.

Special laws re-
pealed.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all or any local laws, heretofore passed, giving constables other fees in the county of Conecuh, than those provided by general law, on the subject of fees, be and are hereby repealed.

Approved, March 1, 1848.

[No. 272.]

AN ACT

To more particularly define the duties of Commissioners Court in the County of Chambers.

Prohibited from
making certain
extra allowances.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That, from and after the passage of this act, the Commissioners Court for the county of Chambers, shall not, during the continuance in force of the present law, regulating the appointment of overseers of roads, and supervisors of the same, in the counties of Chambers and Randolph, make any allowance to the Sheriff and Clerks of said county, for extra services.

Sec. 2. *And be it further enacted*, That said Commissioners court for the county of Chambers, shall not make any appropriation for the examination into the condition of the clerks offices of said county, and the public records thereof, only as herein provided for. Restriction.

Sec. 3. *And be it further enacted*, That said Commissioners may, at their discretion, appoint a suitable individual to make such examination in the condition of the public offices of the county, from time to time, and the records thereof, as they may deem necessary; and it shall be the duty of the person so appointed by said Commissioners court, to make their report in writing, in relation to the condition of the offices and records of said county, to the commissioners court aforesaid, whose duty it shall be to cause said report to be laid before the grand jury of said county, at the fall term of the Circuit court. May appoint person to examine public offices.

Sec. 4. *And be it further enacted*, That the Commissioners court for said county of Chambers, may allow said individual for such examination, not exceeding two dollars per day: *Provided*, that, in no case they shall make allowance for more than five day's services in each year. May allow compensation.

Sec. 5. *And be it further enacted*, That all laws, contravening the provisions of this act, be, and the same are hereby, repealed. Repeals,

Approved, January 15, 1848.

[No. 273.]

AN ACT

To define a portion of the line between DeKalb, Marshall and Jackson counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the line between DeKalb, Marshall and Jackson counties, from the mouth of Black Oak creek, shall run up said creek to the place where Rain's mill formerly stood, thence to Sautie creek, at the mouth of that branch of said creek which crosses the Bellefonte and Lebanon road at Carmac's place, and up the said last mentioned creek to the said Bellefonte and Lebanon road at Carmac's place, thence to the dividing ridge between McCormac's and John Blancett's, and thence with the line as now designated to the Georgia line. Lines defined.

Sec. 2. *And be it further enacted*, That, N. B. Countess, A. D. Howard, L. Davis, B. Tankesley, Isaac Steel, L. Steel, J. Steel, R. Steel, Estell C. Steel, H. Steel, William Blevins, Isaac Cooper, J. Cooper, Samuel Gentry and James Tankersley, be, and they are hereby declared liners, Liners.

and shall be considered citizens of DeKalb county so long as they remain at the place of their present residence.

Repeals. Sec. 3. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby, repealed.

Approved, March 3, 1848.

[No. 274.]

AN ACT

To authorize the Commissioners Court of Dale county to levy a tax to build a Jail.

Not exceeding 20 per cent upon State tax. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That, hereafter, it shall be lawful for the Commissioners court of roads and revenue, of the county of Dale, to levy a tax not to exceed twenty per cent, on the State tax, for the purpose of building a jail in said county of Dale.

Sec. 2. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby, repealed.

Approved. Feb. 25, 1848.

[No. 275.]

AN ACT

To require the Judge of the county court and commissioners of revenue and roads in the county of DeKalb, to levy a special tax, for a certain purpose therein named.

Tax may be levied not exceeding 25 per cent upon the present State tax. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That the Judge of the county court and commissioners of revenue and roads in the county of DeKalb, be, and they are hereby required to levy a county tax, not to exceed twenty five per cent on the present State tax, for the purpose of paying for building the jail of said county.

Approved, February 25, 1848.

[No. 276.]

AN ACT

To increase the county tax in the county of Clarke.

Section 1. *Be it enacted by the Senate and House of Repre-*

sentatives of the State of Alabama, in General Assembly convened,

That the Judge of the county court and commissioners of roads and revenue for the county of Clarke, be, and they are hereby authorized to raise the county tax, so as to pay the debts and defray the necessary expenses of said county: *Provided*, the same shall not exceed seventy per centum upon the State tax: *and provided also*, that all laws, or parts of laws, conflicting with this act be hereby repealed. Tax may be levied.
Proviso.

Approved, March 6, 1848.

[No. 277.]

AN ACT

To authorize the Judge of the county court and commissioners of roads and revenue of Fayette county, to levy an additional county tax.

Section 1, *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

That from and after the passage of this act, the Judge of the county court, and commissioners of roads and revenue of Fayette county, shall have power to levy an additional county tax, which shall not exceed one hundred per cent upon the State tax, at their discretion, any law to the contrary notwithstanding. Not to exceed 100
per cent upon
State tax.

Approved, Dec'r 17, 1847.

[No. 278.]

AN ACT

To increase the revenue of Baldwin county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

That the board of commissioners of roads and revenue of the county of Baldwin, be and they are hereby authorized to assess and levy a tax not exceeding seventy-five per cent upon the State tax, for ordinary county purposes, for each of the years 1848 and 1849. Tax may be levied not exceeding 75 per cent.

Approved, March 3, 1848.

[No. 279.]

AN ACT

To authorize the commissioners court of Coffee county to levy a tax to discharge a debt due by said county, to the county of Dale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*

Com'rs court required to assess tax.

That the commissioners of the court of roads and revenue in the county of Coffee, be, and they are hereby required to assess annually, a sufficient tax on the citizens of said county of Coffee, to pay off the debt of said county to the county of Dale within four years.

How additional tax may be paid.

Sec. 2. *And be it further enacted*, That the tax collector of said county of Coffee, be required to receive any claims against the county of Dale, in payment of said taxes, and pay the same over to the county treasurer of said county of Coffee, whose duty it shall be, and he is hereby required to pay said taxes so assessed and collected, to the county treasurer of said county of Dale.

Duty of county treasurer.

Sec. 3. *And be it further enacted*, That the said treasurer of the said county of Dale, be required to receive said tax and receipt for them, whether they be in money or county claims against said county of Dale.

When 1st assessment shall be made.

Sec. 4. *And be it further enacted*, That the commissioners court of Coffee county, be required to make the first assessment on or before the first Monday in May next, and that the said taxes shall be collected and paid over at the same time, that the other county and State taxes are.

Repeals.

Sec. 5. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same is hereby repealed.

Approved, March 1, 1848.

[No. 280,]

AN ACT

To authorize the Commissioners' Court of Butler county to levy a County Tax for the years 1848 and 1849.

Tax not exceeding 100 per cent may be levied.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Commissioners' Court of the county of Butler may levy a county tax, not to exceed one hundred per cent. upon the State tax required by law, for the years aforesaid; and that a sufficient amount of said tax be set apart to pay off the jurors who may serve during said years.

Treasurer's duty.

Sec. 2. *And be it further enacted*, That the County Treasurer shall pay off and discharge all jury certificates, when presented, by the funds hereby set apart for that purpose.

Sec. 3. *And be it further enacted*, That all laws, and parts of laws, contravening with this act, be, and the same is hereby repealed.

Approved, Feb. 8, 1848.

[No. 281.]

AN ACT

To authorize the Court of Commissioners of Revenue and Roads of Tuscaloosa County, to levy a special tax,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Court of Commissioners of Revenue and Roads of Tuscaloosa county, be authorized to levy a special tax upon the citizens and property of citizens of said county, subject to taxation, sufficient, in their judgment, to relieve the said county from debt, and to pay all necessary county expenses. Tax may be levied.

Sec. 2. *Be it further enacted,* That jurors attending any of the Courts of said county, shall be entitled to a per diem allowance of one dollar and fifty cents. Per diem of jurors.

Approved, January 15, 1848.

[No. 282.]

AN ACT

To authorize the Judge and Commissioners of Roads and Revenue in the county of Walker, to levy an additional tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That, from and after the passage of this act, the Judge of the County court of Walker county, and Commissioners of roads and revenue, are hereby authorized to levy an additional County tax; which tax shall not be less than fifty, nor more than one hundred per cent on the State tax in any one year. Tax to be levied.

Sec. 2. *And be it further enacted,* That said additional tax shall be discharged in any legal claims against said county, whether they be recorded or otherwise. Tax how paid.

Sec. 3. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Repeals.

Approved, March 3, 1848.

[No. 283.]

AN ACT

To authorize the County Court of Blount county to levy an additional tax, and for other purposes.

Section 1. *Be it enacted by the Senate and House of*

Representatives of the State of Alabama, in General Assembly convened, That the judge of the County Court and commissioners of roads and revenue for the county of Blount be, and are hereby, authorized to levy and collect such per cent. on the items of taxation in the State revenue bill mentioned as will be sufficient to pay the whole indebtedness of said county, in such time as they may think proper, not exceeding six years.

May levy special tax at discretion.

Claims received in payment.

Sec. 2. *And be it further enacted,* That all just claims against said county shall be receivable in the payment of such county tax as may not be set apart for the poor.

May provide for support of paupers.

Sec. 3. *And be it further enacted,* That said court be, and are hereby, authorized and empowered to levy such additional tax as may be necessary, and purchase such land, not exceeding eighty acres, and house, as they may think proper, and apply the same to the support of the paupers of said county, and pay for said lands and tenements in a term not exceeding ten years; and if, at any time, there should be an excess of rents, the same shall inure to the county, and be placed in the treasury, or applied to the debts of said county.

Rates of paying claims.

Sec. 4. *And be it further enacted,* That hereafter, in paying any claim, or claims, against said county in cash, that may have passed from the hands of the original owner, the same shall be paid with the amount and its interest that the transferee gave.

Moneys how applied.

Sec. 5. *And be it further enacted,* That all such moneys as may not be appropriated out of the county levy to the poor, or otherwise, may be applied to the payment of jurors hereafter to serve, at the rate of fifty cents per day.

Title and management of land.

Sec. 6. *And be it further enacted,* That the title of lands purchased under the provisions of this act shall be made to the judge of the County Court of Blount county, and his successors in office, and shall be the property of said county; and the Commissioners' Court, or a majority of them, shall have power to rent said land and premises, from time to time, and stipulate the price, and in what way to be paid, whether in cash, improvements, or care of the poor.

gement of rs.

Sec. 7. *Be it further enacted,* That the judge of the County Court shall, from time to time, direct such persons as may now be chargeable, or that may hereafter become chargeable, upon said county, to be conveyed to said poor house; and said commissioners, or a majority of them, shall examine said poor house, the situation of the paupers, and the manner in which they are kept, at least twice a year, and shall see that they are humanely treated, and make such rules and regulations as to them may seem ne-

cessary and proper, for the interest of the county and comfort of the paupers; and shall require such bond, with at least two good and sufficient securities, from the tenant or keeper of the poor, as they may deem fully sufficient to secure his faithful performance of every stipulation entered into, payable to the judge of the County Court for the time being, and his successors in office; which bond may be sued on as often as said commissioners are of opinion the stipulations therein contained are violated.

Approved, Jan. 5, 1848.

[No. 284.]

AN ACT

To alter and amend the Road Laws in reference to the county of Limestone.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the Commissioners of the Court of Roads and Revenue for the county of Limestone, in said State, shall appoint all overseers of roads in and for said county, on the first Monday in November, in every alternate year, beginning on the first Monday in November next; and when vacancies occur in said offices of overseers of roads in said county, or the appointments fail to be made at the proper time, as prescribed by this act, then the offices of such overseers of roads, as aforesaid, may be filled as now required by law, to continue until the regular day of appointment next thereafter, as prescribed by this act. When overseers shall be appointed

Sec. 2. *And be it further enacted,* That said overseers of roads, in said county, shall hold their offices for the term of two years next after the date of their regular appointment; or if appointed to fill a vacancy, until the same shall have expired; and they shall each receive for their services, during the time they may be actually engaged in mending, repairing, or opening the roads in said county, the sum of two dollars for each day they may be so employed, to be paid out of the fines collected of defaulters, who fail to do road duty as now required by law. Term of office of overseer.

Sec. 3. *And be it further enacted,* That all laws, and parts of laws, excusing the overseers of roads in said county from working on roads for two years next after the expiration of their terms of office, as such overseers of roads, and also all laws, and parts of laws, authorizing the overseers of roads in said county to appoint persons to warn Compensation.

hands to work on the roads in said county, and in consideration of such services to excuse such persons thus appointed from working on the roads in said county, be, and the same are hereby, repealed, so far as said county of Limestone is concerned.

Approved, March 6, 1848.

[No. 285.]

AN ACT

To alter and amend the Road Law, as respects the County of Tallapoosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the acting Justices of the Peace, and their successors in office, in the county of Tallapoosa, be, and they are hereby, constituted and appointed, apportioners and supervisors of the public roads in their respective beats; and it shall be the duty of the apportioners and supervisors of roads in each and every beat, in the county of Tallapoosa, to assemble on the first Saturday in May next, or as soon thereafter, as practicable, and on the first Saturday in March every two years thereafter, at some central or convenient place in their respective beats, and appoint all the overseers they may deem necessary to keep the roads of their beats in good order.

Justices of the
peace appointed
apportioners.

Shall meet.

Powers & duties.

Sec. 2. *And be it further enacted,* That the apportioners and supervisors shall have power, and it shall be their duty, to fill all vacancies that may occur in their respective beats, by death, removal or otherwise, at any time, or within ten days after they may have been notified of such vacancy; and any apportioners or supervisors failing to discharge the duties imposed by this act, shall be dealt with according to the laws now in force for failing to apportion hands.

Duty of Constables.

Sec. 3. *And be it further enacted,* That the constables in each of the beats, in the county aforesaid, shall serve the overseers appointed as provided in this act, with a written notice of their appointment as overseers of the roads, and return the same to the clerk of the County court of said county, within thirty days from the time of the appointment of said overseers, by the apportioners and supervisors, as provided for in this act.

Sec. 4. *And be it further enacted,* That, in consideration of the services of said constables, in serving and returning said notices, they shall not be liable to perform road

duty : *Provided*, that any constable failing to discharge the duties required of them by the provisions of this act, shall not be entitled to the benefits of the same, and shall be subject to the same pains and penalties as overseers of roads, for failing to discharge their duties as such. Constables exempt from road duty.

Sec. 5. *And be it further enacted*, That the clerk of the County court of Tallapoosa county, shall keep a record of the overseers of roads returned by the Constables, as provided for in this act; which record shall be evidence of their appointment as overseers of the roads, in any suit at law, or indictment against them as such. Duty of clerk.

Sec. 6. *And be it further enacted*, That any overseer, who shall be appointed as provided for in this act, and shall fail or refuse, for the space of three months, to act as the law now of force, directs, shall be dealt with as heretofore provided by law. Penalty on overseer.

Sec. 7. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby, repealed. Repeals.

Approved, March 4, 1848.

[No. 286.]

AN ACT

To amend the road law in the county of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, it shall be the duty of the commissioners court of roads and revenue of the county of Mobile, to appropriate annually, one half of the road tax of three thousand dollars, now authorized by law to be collected in Mobile county, to the repair of main roads, leading out of the city of Mobile, and within six miles of Mobile river; and to the building and repair of the bridges on said main roads, any law to the contrary hereof in any way notwithstanding. How Com's c'tt shall appropriate one half the road tax.

Approved, Feb. 26, 1848.

[No. 287.]

AN ACT

To compel certain persons to work on roads in the county of Chambers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That clerks of the circuit and county courts, sheriff, Judge of the

Who liable.

county or probate court, commissioners of roads and revenue, millers that grind for toll, teachers and students of schools and academies, ferrymen and militia officers, shall hereafter be compelled to work on public roads in the county of Chambers, any law, usage or custom to the contrary notwithstanding.

Approved, Jan. 5, 1848.

[No. 288.]

AN ACT

To regulate the liability of persons to work on public roads in the county of Franklin.

Who liable.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the following persons shall be liable to work on, clear out and repair the public roads in the county of Franklin, to-wit: all white male persons between the ages of eighteen and forty five years of age, and all male slaves and other persons of color, over sixteen and under fifty years of age, unless exempt by some act of the General Assembly, or some actual or reasonable disability; except licensed ministers of the Gospel of all denominations, post masters, teachers of common schools, academies and colleges, who shall be and are hereby declared to be, exempt from road duty in said county.

Approved, Feb. 18, 1848.

[No. 289.]

AN ACT

To amend the road laws in reference to Marengo County.

Road law repealed in part as to Marengo c'ty.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the road-laws now in force as require or permit overseers or others to take timber against the will of the owner or owners thereof, and as provide for the payment thereof out of the county treasury, except for timber that may be needed for making or repairing of bridges, be and they are hereby repealed, so far as they relate to Marengo county.

Duty of overseers

Sec. 2. *Be it further enacted,* That hereafter it shall be the duty of overseers of the roads in said Marengo county, to improve the roads of which they are overseers respectively, by digging or making good and smooth ditches on either side of the same, and throwing the earth in the middle, so as to drain said roads and make them firm: *Provided, however,* that such timber as may be given without charge, for the use of the roads, may be used by the overseers, in the improvement thereof

Proviso.

Approved, Feb. 18, 1848.

[No. 290.]

AN ACT

To regulate the mode of summoning witnesses in State cases, in the county of Covington, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, all witnesses appearing in behalf of the State, or on behalf of any defendant, upon any indictment pending in the Circuit Court of Covington county, shall not be required to attend said court until Wednesday, the third day of said term; and it shall be the duty of the clerk of said Circuit Court to issue subpoenas, and make them returnable accordingly.

Attendance of
witnesses regu-
lated.

Sec. 2. *And be it further enacted,* That each witness, duly subpoenaed to attend said court, either in civil suits, or in State cases, shall be entitled to receive, as full compensation for their services, the sum of one dollar per day, without mileage, to be paid in the manner as now prescribed by law.

Per diem.

Sec. 3. *And be it further enacted,* That all acts, and parts of acts, coming within the purview and meaning of this act, be, and the same are hereby repealed.

Repeals.

Sec. 4. *And be it further enacted,* That the provisions of this act shall also extend to the county of Dale.

Extended to Dale
county.

Approved, March 3, 1848.

[No. 291.]

AN ACT

In relation to the time of holding the Orphan's Court of Dale County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an act entitled an act to change the time of holding the Orphan's court of Dale county, approved the thirteenth day of January 1846, be, and the same is hereby repealed.

Repeals.

Approved, March 3, 1848.

[No. 292.]

AN ACT

To change the time of holding the County Court in the County of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Represen*

When held.

tatives of the State of Alabama, in General Assembly convened, That, hereafter, the County court in the County of Tuscaloosa, shall commence on the first Monday of February and the second Monday of August, in each and every year, and continue in session as now provided by law.

Of process.

Sec. 2. *And be it further enacted,* That all writs, precepts and process, of whatever kind or nature, now issued, or that may hereafter be issued, returnable to the next term of said court, as now provided by law, be, and the same are hereby, made returnable to the term of said court, to commence on the second Monday in August next, which shall be the first term of said court held under the provisions of this act, and that thereafter, the terms of said Court shall be commenced and held, as provided in the first section of this act.

Repeals.

Sec. 3. *And be it further enacted,* That all laws or parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, Feb. 8, 1848.

[No. 293.]

AN ACT

In relation to Justices Courts in Autauga county.

Justices courts
abolished in Au-
tauga county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That an act, entitled, "an act fixing the time of holding Justices Courts in the counties of Coosa and Autauga, and for other purposes," approved, the 9th of December, 1841, be, and the same is hereby, repealed, so far as the same relates to the county of Autauga: *Provided,* that the provisions of this act shall not extend to the Wetumpka beat.

Proviso.

Approved, March 3, 1848.

[No. 294.]

AN ACT;

To transfer the administration of the estate of James Manning deceased, to Marengo county.

Transferred from
Madison to Ma-
rengo county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the administration of the estate which was of James Manning sen'r, late of Madison county deceased, be transferred from the Orphan's court of said Madison county, to the Orphan's court

of Marengo county, (in which county the said estate is chiefly situated,) as hereinafter provided.

Sec. 2. *Be it further enacted*, That the clerk of the Orphan's court of the said county of Madison be, and he is hereby required to complete the record of the proceedings and papers heretofore had in said court in relation to the administration of said estate, so as to have and keep in said court a complete record of the last will and testament of the said James Manning, deceased, of the grant of letters testamentary thereon, of the bonds for the due execution of the said last will and testament, of the inventories, accounts, and settlements of said executors or either of them; and of all the orders, proceedings and decrees of said court in respect to the execution of the said will and of the administration of the said estate, up to the time when the papers, &c. shall be delivered over and transferred as hereinafter provided, into the jurisdiction of the said Orphan's court of Marengo county.

Duty of clerk of the orphan's c't of Madison c'ty in making record.

Sec. 3. *Be it further enacted*, That the clerk of the Orphan's Court aforesaid of Madison county, be, and he is hereby required carefully to make out a transcript of the record aforesaid, of said will, and of all the proceedings had in said court in relation thereto, and to the administration of said estate, and of all bonds, inventories and accounts filed by the executors of said will or either of them, so as to show fully and truly and in consecutive order, all the proceedings had in said court in relation to said estate, and the entire administration thereof, as the same appears by the records thereof in said court; and the said transcript so made out, the clerk of said court shall duly certify under his hand and the seal of said court, if there be one, and if not under his private seal, and carefully enclose together with the original will, the bonds for the due execution thereof, the vouchers and other papers relating thereto in an envelope which shall be sealed up by said clerk and addressed to the clerk of the orphan's court of Marengo county; and the clerk of the orphan's court of Madison county, upon the application therefor of any one of the legatees of the said James Manning or of an agent of such legatee, shall administer to him an oath faithfully to deliver the package so made up, sealed and addressed, without having been opened or in any manner altered, to the said clerk of the orphan's court, of Marengo county, or to the Judge of said court, and shall then deliver said package to the legatee or agent to be carried to said clerk or judge.

Shall make transcript.

Shall certify and enclose to clerk of orphan's court of Marengo c'ty.

Sec. 4. *Be it further enacted*, That upon the delivery of said package to the said clerk or judge of the orphan's court of Marengo county, an entry of such delivery shall be made upon the minutes and record of said court, and the transcript aforesaid shall become and be a record of said orphan's court of Marengo county, and the will, bonds, and other papers aforesaid, shall be filed in said court and pertain to the same, and to the administration of said estate, in the same manner as they before pertained thereto in the orphan's court of Madison county; and the said court of Marengo county shall have full and entire jurisdiction of said estate, and may enforce or otherwise act upon, according to law, the

Upon delivery of papers, duty of clerk of orphan's court of Marengo

decrees or other proceedings therein, had or made in the orphan's court of Madison county as fully and completely as if all such decrees and proceedings were originally had in said orphans court of Marengo county; and said court shall proceed in the administration and settlement of said estate as if the same had been from the beginning under its jurisdiction.

Duty of Orphans court of Madison county. Sec. 5. *Be it further enacted*, That the orphan's court of Madison county, shall make upon its minutes and record, an entry of the transfer of the jurisdiction according to this act, of said estate, to the orphans' court of Marengo county, which shall be certified as a part of the transcript aforesaid; and that the clerk of the orphans' court of Marengo county shall send a certified copy of the entry upon the minutes of said court, of the delivery or receipt of said transcript, &c. to the clerk of the orphan's' court of Madison county, and said court shall cause a copy thereof to be made upon its minutes and record.

Compensation to clerk. Sec. 6. *Be it further enacted*, That the clerk of the orphans' court of Madison county shall receive for the services herein required of him, the fees prescribed by law for such services, to be paid out of said estate; and shall be liable to a penalty of five hundred dollars for refusing or failing upon the demand of such legatee to perform the duties required of him to be recovered by such legatee in an action of debt.

Penalty for failing to do duty. Sec. 7. *Be it further enacted*. That the transfer provided for in this act, shall not be made, until the sureties on the last bond given by the executors of said will, shall file their written assent thereto, in the orphans' court of Madison county, declaring therein that they will claim no exoneration of liability on account of such transfer.

Transfer not made until sureties assent.

Approved, Feb. 29, 1848.

[No. 295.]

AN ACT

To amend and explain an act entitled "an act to authorize James L. Childress, to redeem a certain tract of land, approved 5th February 1846."

Time extended. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the said James L. Childress shall have until the first day of July next, to redeem the lands described in the first section of said act: *Provided*, he perform the other conditions required in said section.

Duty of Bank. Sec. 2. *And be it further enacted*, That in ascertaining the amount due, the Bank shall charge all costs and interest to said Childress, and allow him credit for the rents received by said Bank, during the time the said lands have been leased by said Bank, deducting therefrom all amounts paid for repairs, together with all other expenses, as well as the full amount of all taxes that would

have been required on the same, had the title thereto not have been in the State Bank.

Approved, February 26, 1848.

[No. 296.]

AN ACT

Authorizing Mary Williams to invest the monies of her ward in slaves:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Mary Williams, of the county of Greene, be, and she is hereby authorized to invest the money belonging to her daughter and ward, Sarah W. Williams, in such slaves as she shall, at her discretion consider most to the interest of her ward; the said slaves, when purchased, to be the property of, and belonging to, the said Sarah W. Williams: *Provided*, that the said Mary Williams shall subsequently to the passage of this act, enter into a new bond as guardian, in manner and form as now required by law, with sufficient security, to be approved by the Judge of the orphans' court of Greene county.

May invest money in slaves.

Proviso.

Approved, March 2, 1848.

[No. 297.]

AN ACT

To authorize the Judge of the orphans' court of Montgomery county to permit Thomas J. Zimmerman, executor of the estate of B. G. Hagerty deceased, to purchase real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Asssmbly convened,* That it shall, and may be lawful for the Judge of the orphans' court of Montgomery county, upon the petition of Thomas J. Zimmerman, executor of the estate of B. G. Hagerty, deceased, of said county, to purchase such an amount of real estate, as may be necessary for the successful prosecution of the farming interest of said estate; and also to build such dwelling houses and out houses as the family of said Hagerty may need for their comfort and convenience: *Provided*, that the Judge of said orphan's court shall be fully satisfied, on the proofs furnished to him, that it would be to the interest of said estate, that such purchase should be made, and that said buildings should be erected, for the comfort and protection of said family.

May purchase real estate and build houses.

Proviso.

Approved, Feb. 29, 1848.

[No. 298.]

AN ACT

To authorize Micajah N. Ely, Executor, and Martha Ely, Executrix, of the last will and testament of Michael Ely, deceased, to invest a certain sum of money in the manner, and for the purpose expressed.

May purchase
female slave.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Micajah N. Ely, executor, and Martha Ely, executrix, of the last will and testament of Michael Ely, late of Macon county, deceased, be and they are hereby authorized to invest in the purchase of a female slave, the sum of five hundred dollars which was bequeathed by the said testator to them in trust for the use of Mrs. Martha Terry, wife of William C. Terry, of Russell county, and her children.

Slave how to be
held.

Sec. 2. *Be it further enacted,* That the female slave so to be purchased as aforesaid, and her increase, shall be held and considered by the said Micajah N. and Martha Ely, in trust for the sole and separate use of the said Martha Terry, and her children, now living, or hereafter born, free from all executions or future debts, liabilities or contracts of the said William C. Terry.

Approved, March 6, 1848.

[No. 299.]

AN ACT

To authorize Frederick P. Hall, to sell a certain slave, the property of his ward.

May sell negro.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Frederick P. Hall, guardian of Julia Ann B. Hudson, be hereby authorized to sell at public or private sale, or otherwise dispose of a certain negro man slave, named Nat, the property of the said Julia Ann B. Hudson, so as to invest the value of said negro man in other negro property for the use and benefit of the said Julia Ann B. Hudson.

Repeals.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same is hereby repealed.

Approved, Feb. 11, 1848.

[No. 300.]

AN ACT

For the relief of A. D. Hunt, Administrator of Ellen Jackson, deceased.

Section 1. *Be it enacted by the Senate and House of Represen-*

tatives of the State of Alabama, in General Assembly convened, That Abram D. Hunt, administrator of all and singular, the goods and chattels, rights and credits, which were of Ellen Jackson deceased, be, and he is hereby authorized, in pursuance of the Olographic will of the late Alexander Jackson, (father of the said Ellen) to make distribution of the monies and effects of the said Ellen, to the heirs at law of the said Alexander Jackson. Adm. may make distribution of effects.

Sec. 2. *And be it further enacted,* That the receipts of the said heirs at law of the said Alexander Jackson, shall be held and considered as vouchers on the final or partial settlement or settlements of the said Hunt, administrator as aforesaid, of the said Ellen Jackson, deceased. Receipts of heirs good vouchers

Approved, January 15, 1848.

[No. 301.]

AN ACT

To confer certain powers on Administrators of the Estate of Jesse Beene.

Section 1. *Be it enacted, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That, in case any administrator or administrators *de bonis non* with the will annexed, shall be hereafter appointed by any court of competent jurisdiction in the state, upon the estate of Jesse Beene, late of Dallas county, deceased, and shall qualify as such administrator or administrators, such administrator or administrators so appointed and qualified, shall be, and he, she or they, as the case may be, are hereby invested with the same powers, rights, and authority in and over the estate, both real and personal of said decedant, in all respects as the executors nominated in the last will and testament of the said Jesse Beene had, or might be entitled to have, by and under the said last will; and such administrator or administrators shall have the same capacity to contract, and the same power and authority to sell and convey or mortgage said estate, real or personal, or any part thereof, as said executors by said will were authorized or empowered to have or exercise, and shall have and exercise in all respects, the same powers and discretion which by said will are given or allowed to said executors. Powers of adm. de bonis non.

Sec. 2. *And be it further enacted,* That, in case there shall be, at the time of the resignation of said present executors, any outstanding claims or debts on which said executors, or either of them, are individually liable, whether debts or claims originally contracted, or liabilities incurred by said decedant in his life time and extended or Of debts bona fide due from the estate of decedent.

Holders of claims
may sue.

renewed by said executors or either of them, since the death of said decedant, by them or either of them entered into, contracted or assumed *bona fide*, and within the scope of their authority, for or on account of, or for the benefit of said estate, it shall and may be lawful for said administrator or administrators, to adjust, settle and discharge the same, out of the funds or property of said estate, in the same manner, and to the same extent as such administrator or administrators could or might settle, adjust, or pay the same, if contracted or incurred by said decedant in his life time; and the holder or holders of any such claim, contract or assumption, shall and may sue at law such administrator or administrators, thereon; and on proof that the same was *bona fide* contracted, incurred, or assumed for said estate and on the faith thereof, and for the benefit thereof by said executors or either of them, and within the scope of their authority, it shall and may be lawful for such holder or holders to recover against such administrator or administrators, the full amount to which he or they would be or are entitled; to be levied of the goods and chattles of said decedant; and execution may issue therefor as in other cases of judgments against administrators. And in case said executors or either of them, shall pay, settle or discharge any of such contracts, assumptions or liabilities, they shall be entitled to the same remedy as is herein given to such holder or holders; and said executor or executors, on due proof as above specified, shall have judgment and execution in the same manner and to the same extent, as the holder or holders of such claim or claims, might, under this act, be entitled to have.

Adm. de bonis
non may become
party def't. to all
suits now pending
against ex'rs.

Sec. 3. *And be it further enacted*, That it shall and may be lawful for the said administrator or administrators, after being duly appointed and qualified, to make him or themselves, party defendant to all actions of trespass to try titles, and actions of ejectment, which are now pending in the Circuit court of Dallas county, against Samuel M. Hill and W. W. Fambro, the present executors, to recover certain lands and the mesne profits, which lands were possessed by said decedant at the time of his death, and claimed by said executors as part of his estate; and said suits shall and may be carried on against said administrator or administrators, in the same manner, and to the same extent as they might, or could have been, against the said Hill and Fambro. And said administrator or administrators, shall be liable in the same manner, and to the same extent, as said Hill and Fambro would be, if the suit had been continued against them; and all evidence which would be legal and pertinent against said Fambro and Hill if they

continued to be such defendants, shall be received and admitted against said administrator or administrators; and if judgment be recovered, said recovery shall be to the same extent, and to the same amount as if recovered against said Fambro and Hill: *Provided, nevertheless*, that, if the plaintiff or plaintiffs in such suit or suits, object thereto, said administrator or administrators, shall not become party to the same.

Sec. 4. *And be it further enacted*, That, in every and in all cases, where other administrator or administrators *de bonis non* with the will annexed, shall be appointed and qualified to take charge of said estate, in place of administrator or administrators previously appointed and qualified, the provisions of this act, shall, in every respect, apply and extend to them also. Provisions of this act extended.

Sec. 5. *And be it further enacted*, That nothing contained in this act, shall be so construed as to give relief or discharge to executor or executors, administrator or administrators, from any liability or liabilities to creditors and legatees of said estate, now, or hereafter to be incurred. Reservation.

Approved, February 19, 1848.

[No. 302.]

AN ACT

For the relief of the representatives of Jonathan Hunt, deceased.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Adon Smith, the half brother of Jonathan Hunt, deceased, and administrator with his will annexed, and who is also the guardian of Sidney Smith, a lunatic, the half brother of said Hunt, and of John H. Adams, the only surviving child of Charlotte Smith Adams, a half sister of said Hunt, the said parties being his heirs at law, be, and he is hereby, authorized to enter upon the lands, and interests of lands, of which the said Hunt died seized or possessed in this State, and to make leases and contracts for rents, either at public outcry, or by private contract; and to enforce all contracts and covenants for lease or sale made by said Hunt in his life time, and to execute those titles that said Hunt was bound to deliver. Certain powers conferred on A. Smith, adm. with will annexed.

Sec. 2. *And be it further enacted*, That the said Adon Smith be, and he is hereby, authorized, for the purpose of effecting a partition of the interests of the representatives of said Hunt, and other parties, in lands in this State; of compounding and settling contested titles, and with adverse May compound & settle contested titles

claimants; to pay the debts of the decedant; or, where the interest of his wards will be promoted by a change of their estate from real to personalty, to sell the lands, and interests of lands, of which said Hunt died seized or possessed, for cash, or on such credits as he may think suitable for the interests of the estate.

Shall give bond
in New York.

Copies shall be
filed in this State.

Effect of sales of
lands of Sidney
Smith.

Sec. 3. *Be it further enacted*, That the said Adon Smith be, and he is hereby, authorized to give bonds to the Surrogate of the city of New York, for the faithful execution of all the trusts imposed and authorized by this act, in such a sum as he may appoint, and with sufficient security to be approved of by him, a certified copy of which shall be filed in the office of the clerk of the County Court of such of the counties in this State as the lands of the said Hunt may be situate.

Sec. 4. *Be it further enacted*, That the sales of the lands of the said Sidney Smith shall, so far as regards the laws of distribution or descent, make no change in the rights of parties, and that the proceeds of the same shall be held as realty; and in case of the death of the said Sidney Smith as a lunatic, or without his having made a valid disposition of the same, shall be divided among his heirs, as the said lands would have been divided.

Approved, Feb. 25, 1848.

[No. 303.]

AN ACT

For the relief of the legal representatives of Henry Goldthwaite, deceased.

Adm. may let
real property and
hire slaves.

Proviso.

May assign dower
to widow.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That John A. Campbell, the administrator of the said estate, be, and he is hereby, authorized, during the continuance of his administration of the said estate, to make contracts for the letting of the real property and the hire of the slaves, of which his intestate was seized or possessed, for such a length of time as he may deem most advisable for the interests of the estate: *Provided*, that all contracts that extend for a longer period than one year, shall have the sanction of Eliza Goldthwaite, widow of the said Henry Goldthwaite, and guardian of his children.

Sec. 2. *And be it further enacted*, That it shall be competent for the said John A. Campbell to assign to the widow of his intestate, dower in the real estate of which he died

seized, by executing to her an assignment of an undivided interest corresponding to her legal share: *Provided*, that nothing in this act contained shall preclude the said Eliza Goldthwaite from claiming an assignment of her dower by metes and bounds, or the heirs from setting apart her dower, in the same manner, when they shall think the same to be to their advantage.

Sec. 3. *And be it further enacted*, That the said John A. Campbell, and the said Eliza Goldthwaite, shall be authorized to sell, either at public or private sale, such portions of the real estate, or the slaves, of which the said Henry Goldthwaite died seized or possessed, as they may consider the interest of the heirs and persons interested in the estate may require to be sold, and to invest the proceeds in the public stocks of the United States, or in the stock of the Bank of Mobile, or in the stock of the Merchants' Insurance Company at Mobile, or upon bond and mortgage.

May sell real estate and slaves, and invest proceeds.

Sec. 4. *And be it further enacted*, That it shall be competent for the guardian of the children of the said Henry Goldthwaite, during her guardianship, to invest the proceeds of the estate in the same property for the benefit of the children of the said Henry Goldthwaite.

Guardian of heirs may invest proceeds of estate.

Sec. 5. *And be it further enacted*, That the said Eliza Goldthwaite, during the continuance of her guardianship, shall be authorized to make contracts for the letting of the estate of her wards, and for the hire of their slaves, either at public auction, or on private negotiations, as she may think proper.

Other powers of guardian.

Approved, March 4, 1848.

[No. 304.]

AN ACT

In relation to the trust estate of Sephina West, of the county of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Register of the Chancery Court, holden for the third Chancery District of said State, at the town of Livingston, in the county of Sumter, in said State, be, and he is hereby, authorized, empowered and required, to transfer, or cause to be transferred, the original papers, now of file in his office, in the case of Mrs. Sephina West, wife of Benjamin S. West, of Pickens county, in said State, touching her trust estate, from the

Duty of register of Sumter c'ty in transferring papers to Pickens c'ty.

office of said Register, to the office of the Register of the Chancery Court of the twenty-third Chancery District of said State, at Carrollton, in the county of Pickens, in said State.

Duty of register
of Pickens.

Sec. 2. *And be it further enacted*, That the Register of the Chancery Court for the said twenty-third Chancery District of said State, be, and he is hereby, authorized, empowered and required, to receive said original papers in said case, and file and record the same, in his office, in like manner, and under the like penalties for neglect, as is now required by law in cases originally commenced in said Chancery Court; and that when so filed and recorded, as aforesaid, the record of said original papers in said case shall have all the force, virtue and effect, and be moved and certified in the same manner, and to the same extent, as an original record of said Chancery Court for the twenty-third Chancery District of said State.

Powers of Chan-
cery court.

Sec. 3. *And be it further enacted*, That the Chancery Court for the said twenty-third Chancery District of said State, holden at Carrollton, in said county of Pickens, be, and is hereby, invested and clothed with full, complete, and perfect jurisdiction of, and over, the subject matter and estate, involved and litigated in said case, and the suit itself, and the persons interested therein; and said last named Chancery Court shall proceed therein, as the laws of the land, and equity require.

Approved, Feb 8, 1848.

[No. 305.]

AN ACT

For the relief of George Amason, administrator, Blake Little, et al.

Preamble.

WHEREAS, the Chancellor of the Northern Chancery Division of this State has been of council for the defendants in certain causes now pending, and at issue, in said Chancery Court, holden for the twenty-ninth Chancery District, in said Division, wherein Barnard Hicks, and others, (by their next friends,) children of one John C. Hicks, are complainants, and Blake Little, George Amason, administrator, &c and others, are defendants; and whereas, also, said complainants are all non-residents of this State, and live out of said Northern Chancery Division; and whereas, the said defendants reside in the third Chancery District, and the Southern Chancery Division, where the matters in controversy in said suits occurred; and whereas, the Chan-

cellor of said Southern Chancery Division can legally hear and determine said causes ; Therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Chancellor of the said Northern Chancery Division is hereby authorized and required, and it is hereby made his duty, upon the application of any one of said defendants in said causes, to grant an order for the transfer of said causes from the said twenty-ninth Chancery District, in said Northern Chancery Division, to the third Chancery District, in said Southern Chancery Division; and power and authority are hereby given to the Chancellor of said Southern Chancery Division, to take jurisdiction of, and to hear and determine, said causes, in as full and perfect a manner as he could have done, had said causes originated in said Chancery Court held for said third Chancery District, in said Southern Chancery Division.

Cause shall be transferred from 29th to the 3d Chancery dist.

Approved, Feb. 21, 1848.

[No. 306.]

AN ACT

To authorize the administratrix of the estate of Josiah Bullard, deceased, to purchase real and personal estate, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, that Ann B. Bullard, widow and administratrix of the estate of Josiah Bullard, deceased, and guardian of the children of said deceased, be, and she is hereby authorized, first obtaining the consent of the judge of the County or Probate Court of the county of Montgomery, to invest moneys now on hand, and such as may accrue to said estate, in the purchase of real and personal property, for the use and benefit of said decedent's estate.

Money may be invested in real and personal property.

Sec. 2. *And be it further enacted,* That in all settlements of said administratrix and guardian, aforesaid, the judge of the County Court, aforesaid, is hereby required to credit said administratrix and guardian, aforesaid, for the amount of bills of sale for the purchase of personal, and for the amount of the purchase money of deeds of real estate purchased for the use and benefit of said decedent's estate, any law or usage to the contrary notwithstanding.

Duty of Judge in making settlements.

Approved, March 6, 1848.

[No. 307.]

AN ACT

To authorize William B. Marshall to remove the personal estate of Elisha F. Hurt, deceased, from the State of Alabama, to the State of Georgia.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That William B. Marshall, of Talbot County, in the State of Georgia, executor of the last will and testament of Elisha F. Hurt, deceased, late of Macon County, in the State of Alabama, be, and he is hereby authorized, as executor, aforesaid, to remove the personal estate of the said Elisha F. Hurt, deceased, from the State of Alabama to the State of Georgia; and from the time of such removal the said executor shall be discharged, by the Orphans' Court of said Macon County, from all further accounting with and in said court, as such: *Provided*, that before removing said estate, or any part thereof, from the State of Alabama, the said executor shall satisfactorily show to the said Orphans' Court of Macon County, that he has fully paid off and discharged the debts of the said estate: *And provided, further*, that the said executor, before removing any part of said estate from the State of Alabama, and before he is discharged, as aforesaid, by the said Orphans' Court of Macon County, shall give bond and good security, according to the laws of the State of Georgia, in the court of said county of Talbot having jurisdiction of the estates of deceased persons, and file a transcript thereof, duly certified, in the office of the clerk of the Orphans' Court of said county of Macon.

Approved, February 21. 1848.

[No. 308.]

AN ACT

To authorize the administrators of the estate of William H. Betts to remove the administration from the county of Montgomery to the county of Macon.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge of the county court of Montgomery, be, and he is hereby authorized to cause true copies to be made and duly certified, of all the acts and doings of record in said court respecting the administration of the estate of William H. Betts, deceased, and deliver the same to the administrators of said estate.

Sec. 2. *And be it further enacted*, That so soon as the said

May remove property.

Proviso.

Further proviso.

Shall give bond in Georgia.

Duty of Judge of Montgomery c'ty

exemplification shall be handed over to the Judge of the county court of Macon county, it shall be considered full authority for the said Judge of the county court of Macon, to proceed with the business of said estate, in all matters, as if the administration had originally commenced with him.

Copies delivered to Judge of Macon county he may proceed with the business of said estate.

Sec. 3. *And be it further enacted*, That from and after the said exemplification is filed in Macon county, as aforesaid, the administration shall cease and determine in the said county of Montgomery: *Provided*, always, that all expenses that now are, or may be due in the county court of Montgomery, be paid by the administrators.

Administration transferred.

Proviso.

Approved, February 8, 1848.

[No. 309.]

AN ACT

Authorizing Sarah A. Allen, in conjunction with her husband, to make titles to real estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Sarah A. Allen, formerly Sarah A. Mills, and now the wife of John Allen, of the county of Russell, be, and she is hereby authorized, in conjunction with her present husband, and with his assent, to sell, alien and convey any real estate which she may have owned and possessed previous to her intermarriage with the said John Allen, in the same manner, and to the same extent as if she were a *feme sole*.

Approved, March 3, 1848.

[No. 310.]

AN ACT

To authorize Anna Jane Sloan, executrix of the the last will and testament of B. W. Sloan, deceased, to hire the personal property and rent the lands belonging to the estate of said decedent:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*. That Anna Jane Sloan, executrix of the last will and testament of B. W. Sloan, deceased, be, and she is hereby authorized, to hire the personal property and rent the lands belonging to the estate of her said testator, in such manner as executors and administrators are now authorized to hire and rent the personal and real estate of their testators and intestates.

Approved, March 3, 1848.

[No. 311.]

AN ACT

For the relief of the Minor Heirs of Hugh M. Warren deceased.

Judge of Franklin c'ty court may make order of sale of lands.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge of the County Court of the county of Franklin, in said State of Alabama, be, and he is hereby authorized and empowered with full and complete jurisdiction, to grant and make an order for the sale of the lands belonging to the minor heirs of Hugh M. Warren, deceased; which lands are lying and being in said county of Franklin.

Sale how conducted and effect thereof.

Sec. 2. *And be it further enacted,* That the said sale shall have the force and effect and shall be governed and conducted by the rules and restrictions prescribed by the laws now in force, which authorize the Orphan's Courts of this State, to order Guardians to sell the lands of minor wards for their maintainance and education.

Approved, January 1, 1848.

[No. 312.]

AN ACT

For the relief of Robert G. McMahan, Guardian of Turner D. Bell.

May exchange slaves of his ward.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That, Robert G. McMahan, Guardian of Turner D. Bell, of Sumter county, be, and he is hereby, allowed to exchange any of the slaves belonging to his said ward, for such others as may be of more value to the interest of said ward; and, also, to invest any monies which are now, or may hereafter, be in his hands as Guardian, in the purchase of real estate, slaves, and other property, necessary to carry on a plantation, and to work the same for the benefit of said ward; and to account to the Orphan's Court for the proceeds thereof, instead of loaning said monies at interest, as now required by law.

Upon annual settlements shall produce deeds & bills of sale.

Sec. 2. *And be it further enacted,* That, upon annual settlements with the Orphan's Court, it shall be necessary for said Guardian to produce deeds and bills of sale duly authenticated, for all such real estate, slaves, and other property purchased or exchanged by him in pursuance of the provisions of this act; which shall be received as vouchers, and credited to said Guardian, in said settlement.

Sec. 3. *And be it further enacted*, That all deeds, bills of sale, and other conveyances for any property purchased or exchanged as aforesaid, shall be executed to the said Turner D. Bell, and shall be recorded in the county in which letters of Guardianship were granted, as well as the county in which said property is situated, and shall be delivered up to the said ward when he becomes of age, and a final settlement is made by said Guardian; any law to the contrary notwithstanding.

Deeds and bills of sale how made.

Approved, Feb. 25, 1848.

[No. 313.]

AN ACT

For the relief of the Heirs of Pleasant May, Sen., deceased, and others.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That, John H. Bragg, John Parish and J. J. Huckabee, be, and the same are hereby, appointed Commissioners to divide and apportion out among the legatees or representatives of Pleasant May, Sen., deceased, a certain portion or tract of land, lying and being situated in the county of Greene, on the banks of the Warrior river, known as Candy's Landing.

Com'rs to divide land among legatees.

Sec. 2 *And be it further enacted*, That the said commissioners, or a majority of them, shall be authorized and required, under oath to be administered by some Justice of the Peace, to faithfully and impartially discharge the duty assigned them: proceed immediately to partition out the said property among the legatees of said Pleasant May, Sen., deceased; or so many of them as may hold it in common, as joint tenants; the said commissioners having due regard to the rights and interests of each: *Provided*, that the said partition or distribution of said property, shall, in no wise, effect the rights and interests of any mortgage on said buildings, or any part thereof.

Duty of Com'rs.

Approved, March 6, 1848.

[No. 314.]

AN ACT

Relating to a sixteenth section therein named.

Section 1. *Be it enacted by the Senate and House of Represen-*

Com'rs of T. 15,
R. 18, may re-
ceive certain notes

tatives of the State of Alabama, in General Assembly convened.
That the Commissioners of section sixteen, in township fifteen, range eighteen, be, and they are hereby, authorized to receive the notes of John S. and William Ballard, with good and sufficient security thereto, for that part of said sixteenth section, purchased by Jane F. Bazer in her life time ; said notes to be for the same amount as those executed by the said Jane F. Bazer for said lands, and to bear the same interest.

Shall give certif.
of purchase.

Sec. 2. *Be it further enacted,* That, on the execution and delivery of said notes, by the said John S. and William Ballard, it shall be lawful for the said commissioners, and they are hereby authorized, to give a certificate of purchase of said lands, to the said John S. and William Ballard, as in other cases ; and it shall be lawful for the Governor of the State to issue a patent to said lands to the legal holder of said certificate, on the payment of the said purchase money, as in other cases : *Provided,* that nothing in this act contained, shall be construed to the prejudice of any right or rights of the heirs and legal representatives of said Jane F. Bazer, in and to said lands.

Approved, Feb. 16, 1848.

[No. 315.]

AN ACT

To enable the citizens of Barbour County to send to school out of the township of their residence.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the proviso annexed to "an act entitled an act," and published in Clay's Digest, page 528, section 41, be, and the same is hereby, repealed.

Act repealed.

Approved, Jan. 5, 1848.

[No. 316.]

AN ACT

To repeal, in part, a certain act therein named.

Certain act re-
pealed so far as
T. 4, R. 5, in
Lincoln county is
concerned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That so much of the law on the subject of Schools and School Lands, as is found in section forty-one, on page five

hundred and twenty-eight, of Clay's Digest, be, and the same is hereby, repealed, so far as township four, in range five, west, in Limestone county, is concerned; except as to the citizens of said township residing on the south side of the Tennessee river: *Provided*, that this act shall not be so construed as to prevent the commissioners of said township to allow such persons as live at too great a distance from the township school, that may be kept therein, as to make it inconvenient to send their children to the same, to draw their proportion of the funds of said township, and send their children elsewhere, as heretofore.

Approved, March 6, 1848.

[No. 317.]

AN ACT

For encouragement of Education.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the commissioners of the sixteenth section school fund, in township twenty-one, range two, west, of the Tuscaloosa land district, in Sumter county, are hereby directed to distribute the annual interest of said fund, pro rata, among the several scholars residing therein, attending school, whether said scholars attend the school or schools, established by the legal officers of said township, or any other school.

How fund in T. 21, R. 2, in Sumter county shall be distributed.

Sec. 2. *And be it further enacted,* That the said commissioners are directed to pay to any teacher of a public school that may be attended by any scholars residing within said township, the pro rata of said fund, which said scholars are entitled to, at such times within the scholastic year as to them may seem fit, upon the production, by said teacher, of satisfactory evidence, that he has actually bestowed upon said scholars proper tuition for the time he claims compensation.

Com'rs to settle with teachers.

Sec. 3. *And be it further enacted,* That if the said commissioners shall refuse to comply with the foregoing provisions of this law, they shall be subject to the penalty of one hundred dollars, recoverable in an action of debt in the circuit or county court of said county, by any person thereby aggrieved, one half to the use of said person, and the other half to the use of the township.

Penalty on Com's for failing.

Approved, March 2, 1848.

[No. 318.]

AN ACT

For the relief of Oliver Powell.

Section 1. *Be it enacted by the Senate and House of Represen-*

\$20 50 allowed.

tatives of the State of Alabama, in General Assembly convened,
That the Inspectors of the Penitentiary be, and they are hereby, authorized and required to pay to Oliver Powell twenty dollars and fifty cents, out of the first moneys that may be collected out of the accounts due said institution, it being the balance due on a note of the former warden of the Penitentiary: *Provided*, they think the debt just.

Approved, March. 6, 1848.

[No. 319.]

AN ACT

Authorizing Meredy Busby, late tax collector, to return his account of insolvencies.

Preamble.

WHEREAS, Meredy Busby failed to have the amount of insolvencies returned by him as tax collector of Shelby county, certified for allowance as required by law, by reason whereof no allowance was made by the comptroller of public accounts to said tax collector, in the settlement of his accounts; Therefore,

May return ac't
of insolvencies.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That said Meredy Busby be, and he is hereby, authorized to return his account of insolvencies for the year he was tax collector of said county to the proper tribunal, for examination and allowance, in the same manner as if the same had been done in proper time, and that the comptroller be required to allow him the amount so certified in the settlement of his account.

Approved, March 6, 1848.

[No. 320.]

AN ACT

For the relief of Andrew C. Townsend.

Gov. may issue
patent.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor of the State be, and he is hereby, authorized to issue, or cause to be issued, to Andrew C. Townsend, if, in his opinion, the proofs are sufficient to satisfy him that Andrew C. Townsend has fully complied with the requisitions of the law, a Patent to the following described Land; thereby conveying to said Townsend, the fee simple title to said land, to wit: the west half of the

north west quarter of section sixteen, township twelve, and range twenty-three, situate in the county of Pike, and in the district of lands subject to sale at Cahawba, Alabama; any law to the contrary notwithstanding.

Approved, March 4, 1848.

[No. 321.]

AN ACT

For the relief of Abram Anderson, of Monroe county, and George Washington Yarborough, of Talladega county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, Abram Anderson, of the county of Monroe, be, and he is hereby, authorized to practice medicine without license, and all contracts and agreements made by and with the said Abram Anderson, for services rendered by him as physician, shall be good and valid, any law to the contrary notwithstanding.

A. Anderson may practice medicine without license.

Sec. 2. *And be it further enacted,* That the provisions of this act be extended to John T. Henderson, of Butler county, and to George W. Yarborough, of the county of Talladega: *Provided,* said persons shall not be permitted to practice without the limits of their respective counties, where they now reside, except George Washington Yarborough, who shall confine his practice to Talladega and Shelby counties.

Provisions extended to J. T. Henderson & G. W. Yarborough.

Proviso.

Approved, March 6, 1848.

[No. 322.]

AN ACT

For the relief of John Sims, of Fayette county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor be, and he is hereby, authorized to remit the whole, or so much thereof, as he may think just and proper, of a forfeiture taken against John Sims, as the security of William Massey, for an assault and battery on the body of one John Hickman, of said county, which recognizance was taken through mistake, the said Massey being twice recognized at the said term, for the same offence, and one of the recognized parties having paid up the forfeiture, with all costs.

Gov. may release forfeiture.

Approved, March 6, 1848.

[No. 323.]

AN ACT

For the relief of Drury S. Allen and William A. Beene.

D. S. Allen released from duelling oath.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, in all cases when it may be necessary for Drury S. Allen, of the county of Randolph, to take and subscribe the oaths prescribed by law against duelling, the same shall be administered, in reference to time, from the first day of January, 1848.

Released from certain penalties.

Sec. 2. *And be it further enacted,* That the said Drury S. Allen shall not, in any manner, be liable to the pains and penalties prescribed in sections eleven and twelve, chapter three, of the penal code, for any act or thing which may have been done by said Allen, prior to the said first day of January, 1848.

W. A. Beene released.

Sec. 3. *And be it further enacted,* That whenever, hereafter, it may become necessary for William A. Beene, of the county of Dallas, to take and subscribe any oath, or oaths, prescribed by law against duelling, the same shall be limited, in point of time, to take effect from the first day of January, 1846.

Approved, March 6, 1848.

[No. 324.]

AN ACT

For the relief of Jesse Tyre, of Walker county.

May practice Botanic medicine

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, Jesse Tyre, of the county of Walker, be, and he is hereby, authorized to practice Botanic Medicine, and collect reasonable compensation for his services, without license, in said county; any law to the contrary notwithstanding.

Approved, March 4, 1848.

[No. 325.]

AN ACT

For the relief of William W. Bingham.

Section 1. *Be it enacted by the Senate and House of*

Representatives of the State of Alabama, in General Assembly convened, That the Governor of said State be, and he is hereby, authorized and empowered to issue, or cause to be issued, a Patent to lot number three, of section sixteen, of township six, of range seven, west, lying or being in the county of Lawrence, in said State, to Wm. W. Bingham, thereby vesting in him the legal title to said lot: *Provided, nevertheless,* that no patent shall issue, as aforesaid, until the said Bingham shall exhibit to the Governor, aforesaid, full and satisfactory evidence that he is the real and *bona fide* owner of said lot of land, and that the purchase money agreed to be given for the same, and all interest thereon, has been fully paid.

Gov. may issue patent.

Proviso.

Approved, Feb. 11, 1848.

[No. 326.]

AN ACT

For the relief of James Clipper, Sheriff of Autauga county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That James Clipper, Sheriff of Autauga county, be, and he is hereby, allowed the sum of one hundred and thirty-nine dollars and fifty-five cents, as compensation for services rendered, and money paid out, for the use of the State.

\$139 50 appropriated.

Sec. 2. *Be it further enacted,* That the comptroller of public accounts be, and he is hereby, authorized to draw his warrant upon the State treasurer for said sum of money, mentioned in the first section of this act, to be paid out of any money in the treasury, not otherwise appropriated.

Approved, Feb. 4, 1848.

[No. 327]

AN ACT

To authorize Matthew Jordan to establish a Ferry on Flint river, in the county of Madison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Matthew Jordan, of the county of Madison, be, and he is hereby, authorized to establish a ferry at, or near, Brown's old mill, on Flint river, in the county of Madison,

May establish a ferry.

on the road leading from Huntsville to Bellefonte, in the county of Jackson.

Ferry exempt
from tax.

Sec. 2. *Be it further nacted*, That the said Jordan shall not be required to pay a tax upon said ferry for any county charge.

May collect toll.

Sec. 3. *Be it further enacted*, That the said Jordan may charge and collect reasonable toll for crossing at said ferry.

Repeals.

Sec. 4. *And be it further enacted*, That all laws contravening the provisions of this law, be, and the same are hereby, repealed.

Approved, Jan. 28, 1848.

[No. 328.]

AN ACT

To amend an act therein named.

Act construed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the act for the relief of Jacob Merrill, of Covington county, approved on the sixteenth day of January, 1844, be so construed as to authorize the said Jacob Merrill to pay taxes, and do road duty, in the county of Butler.

Approved, Jan. 15, 1848.

[No. 329.]

AN ACT

To authorise Thomas S. Tate, former Clerk of the Circuit and County Courts of Russell county, to bring up and make a complete record of the unfinished business of each of said offices.

Preamble.

WHEREAS, doubts have arisen as to whether the Clerks of the County and Circuit Courts of this State are authorized, under the existing law, to bring up and make a complete record of the legitimate business of their respective offices, after the term for which they were elected shall have expired; Therefore,

May complete
record.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Thomas S. Tate, former Clerk of the Circuit and County Courts of the county of Russell, be, and he is hereby, authorized to finish and make a com-

plete record of all the business legitimately belonging to the offices of the Circuit and County Courts of said county of Russell, which remained unfinished when the term for which he was elected expired, and the same shall be as valid as if done previous to the expiration of his term of office.

Sec. 2. *And be it further enacted*, That the said Thomas S. Tate shall have free access to the papers and books belonging to each of said offices, for the purposes mentioned in the preceding section of this act. Shall have free access to papers.

Approved, Jan. 15, 1848.

[No. 330.]

AN ACT

For the relief of Calvin Norris.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the title to lot number eleven, and to the east half of lot number seven, in section sixteen, of township twenty, of range five, east, as laid off by the commissioners of said sixteenth section, at the time of the sale thereof, be, and hereby is, vested in Calvin Norris, of the county of Greene, and that the Governor of the State, be, and he is hereby, authorized to issue to said Calvin Norris, a patent for said lot number eleven, and to the east half of lot number seven; any law to the contrary, notwithstanding. Title to certain land vested.

Approved, March 4, 1848.

[No. 331.]

AN ACT

For the relief of James W. Liggon, Tax Collector of Franklin county.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That James W. Liggon, Tax Collector of Franklin county, be, and he is hereby, allowed sixty days beyond the time now fixed by law, to complete the collections, and make returns of the taxes of said county, for the year eighteen hundred and forty seven; *Provided*, that the securities of said James W. Liggon, first file, with the Judge of the County court of said county, their written assent to said extension, acknowledging under their hands and seals, their full and complete liability, as such securities on his official bond, as tax collector of said county. Time for making settlements extended. Proviso.

Approved, Dec 29, 1847.

[No. 332.]

AN ACT

For the relief of James Thompson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Commissioners court of Chambers county, be, and they are hereby, authorized, at any regular or called court, to take into consideration the claims of James Thompson, for services while he was Judge of the County court of said county, taking into consideration the difficulties and dangers, and all the circumstances thereof; and to allow him such pay as to them may seem reasonable, if any; to be paid out of any money in the County Treasury not otherwise appropriated.

Approved, March 3, 1848.

[No. 333.]

AN ACT

To authorize William B. Shields to emancipate certain slaves therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William B. Shields, of the county of Perry, be, and he is hereby, authorized to emancipate his slaves, Sarah, Hamilton, Benjamin, Archibold, William, Martha, Gorrell, Delaware and Missouri; and that on entering into bond and security in the penal sum of two thousand dollars, payable to the Governor of the state of Alabama, and his successors in office, conditioned, that the said slaves shall never become a public charge; said bond to be approved by the Judge of the County court of Perry county, then said slaves are to be free, saving, however, the rights of creditors: *Provided*, said slaves shall be confined as to residence to the counties of Perry, Dallas and Wilcox.

Approved, March 4, 1848.

[No. 334.]

AN ACT

For the relief of Paul Powers and Alfred Bull.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

That the Governor, be, and he is hereby, authorized to release Paul Powers and Alfred Bull, from all further liability under certain judgments in favor of the State of Alabama, rendered against them in the Circuit court of Mobile county in the year eighteen hundred and forty two, as securities for the appearance of one Samuel E. Powers, to answer to a charge of forgery.

Gov. may release forfeitures.

Approved, March 4, 1848.

[No. 335,]

AN ACT

For the relief of D. Keadle.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County court and Commissioners of Roads and Revenue of the county of Montgomery, be, and they are hereby, authorized to make annually, such appropriations out of the poor fund, for the support and maintenance of said D. Keadle, as they may think his condition requires; any law or usage to the contrary, notwithstanding.

Com'r's court of Montgomery co. may make appropriation for support of D. Keadle.

Approved, February 18, 1848.

[No. 336.]

AN ACT

To exempt Thomas Thomson from taxation in this State.

WHEREAS, Thomas Thomson, a native of the State of Alabama, and the city of Mobile, a dwarf, and an orphan, is desirous of exhibiting himself for the purpose of raising a fund for his education and future support.

Preamble.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the said Thomas Thomson, of the city of Mobile, shall be exempt from all taxes, to which he would become liable, by exhibiting himself for money, in this State; and that all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby, repealed.

Exempt from taxation.

Approved, Feb. 10, 1848.

[No. 337.]

AN ACT

For the relief of Nicholas G. Freeman of Montgomery county.

Section I. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Nicholas G. Freeman, of the county of Montgomery, be, Relieved from certain penalties. and he is hereby relieved from the pains and penalties imposed by law, for the crime of bigamy, so far as said crime may have been committed by, or grown out of, his cohabitation with, or marriage to, one Mary Barnard; any law, usage or custom to the contrary notwithstanding.

Approved, Feb. 4, 1848.

[No. 338.]

AN ACT

For the relief of Joseph D. Copeland,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of Public Accounts be authorized to draw his warrant on the Treasurer of the State, in favor of Joseph D. Copeland of Talladega county, for the sum of thirty-three dollars and fifty-cents, to be paid out of any monies in the treasury not otherwise appropriated, as a compensation for services rendered as sergeant at arms to the General Assembly pending the investigation of the conduct of the commissioners of the Coosa river improvement. \$33 50 appropriated.

Approved Feb. 21, 1848.

[No. 339.]

AN ACT

For the relief of Lewis M. Simpson, of the county of St. Clair.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized and required to draw his warrant on the treasurer, for the sum of two hundred dollars, in favor of Lewis M. Simpson, for his expenses and services rendered in arresting Samuel S. Hinton, a fugitive from justice, charged with the murder of Lansford Stalling, late sheriff of Cherokee county, in this State. Allowed \$200.

Approved, Feb. 4, 1848.

[No. 340.]

AN ACT

For the the relief of William Ogletree and Joseph Buck.

Section 1. *Be it enacted by the Senate and House of Represen-*

atives of the State of Alabama, in General Assembly convened,
That from and after the passage of this act, William Ogletree and Joseph Buckbe, and they are hereby declared liners between the counties of Perry and Marengo, and shall hereafter be considered and held citizens of Marengo county, so long as they remain at the respective places of their present residences, and shall be held subject to, and be entitled to all the privileges of, all laws in relation to citizens of Marengo county, in the same manner as if they resided in said county: *Provided, however,* that nothing in this act shall be so construed as to alter the liability of the said Ogletree and Buck to pay taxes, and perform road duty, in the same manner as if this act had never been passed.

Declared liners.

Considered citizens of Marengo.

Provide.

Approved, January 28, 1848.

[No. 341.]

AN ACT

For the relief of Simon M. Skipper.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, Simon M. Skipper, of Henry county be, and he is hereby restored to all the rights of citizenship, forfeited by being convicted in the circuit court of said county, of the crime of perjury; any law, usage or custom to the contrary notwithstanding.

Restored to the rights of citizenship.

Approved, Jan. 28, 1848.

[No. 342.]

AN ACT

For the relief of Clinton Kerby.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Clinton Kerby, of the county of Jackson, be, and he is hereby released from further prosecution and from any penalties incurred on account of a charge in the circuit court of Fayette county, of having given a verbal challenge to a man by the name of Kemp to fight in single combat with deadly weapons: *Provided,* said Clinton Kerby shall first pay the costs accruing on said prosecution in the circuit court of Fayette county.

Relieved from prosecution.

Approved, Feb. 25, 1848.

[No. 343.]

AN ACT

For the relief of Alexander C. Walker, tax collector for the county of Mobile.

Section 1. *Be it enacted by the Senate and House of Repre-*

Time for settlement extended five months.

Proviso.

sentatives of the State of Alabama, in General Assembly convened, That the time within which the tax collector of Mobile county is required to settle up his accounts, and pay over to the public treasury, the taxes due and collectable in said county, for the year 1847, be extended five months beyond the time now specified by law: *Provided, however,* that the said Alexander C. Walker, the tax collector as aforesaid, and the securities on his official bond, file in the office of the county clerk of Mobile county, a written assent to the terms of this act, within one month after the passage of the same.

Approved, Feb. 26, 1848.

[No. 344.]

AN ACT

For the relief of Robert W. Withers, of the county of Greene.

Steam Mill exempt from operations of law in regard to tolls.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the steam mills, belonging to Robert W. Withers in the county of Greene, be, and they are hereby exempt from the operation of the law subjecting steam mills to the same rules and regulations as water mills, so far as the collecting of tolls, and that the said R. W. Withers be allowed to collect or receive one sixth for toll, and no more, any law to the contrary notwithstanding.

Approved, Feb. 29, 1848.

[No. 345.]

AN ACT

For the relief of Thacker V. Rutherford.

Contract for 16th section lands may be rescinded.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened* That the assent of a majority of the qualified voters of township fourteen, range twenty-four, in the county of Macon, being first had and obtained thereto, that portion of the contract of sale entered into between the commissionees of said township and Thacker V. Rutherford, which is not yet complied with, be, and the same is hereby rescinded; and that upon the assent of said majority being ~~so had~~ and obtained, the Governor is hereby authorized to issue a patent to said Rutherford to such part of said sixteenth section, as ~~has~~ been heretofore purchased by him; and that he be released from the payment of such portion of the purchase money as at the time of the passage of this act, remains unpaid, whether the same be in judgment or otherwise.

Approved, Feb. 25, 1848.

[No. 346.]

AN ACT

For the relief of Dabney Cooper.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Asssmbly convened,* That the commissioners of section sixteen, township eight, range five, west, in the county of Morgan, are hereby authorized and required to remunerate Dabney Cooper of said county, for any and all improvements by him made, on the said section sixteen, by virtue of a lease heretofore made of a part of said section.

Duty of Com'rs.
of T. 8, R. 5, in
Morgan city.

Sec. 2. *And be it further enacted,* That said commissioners shall be further authorized and required to restore to said Dabney Cooper, his lease on said sixteenth section, heretofore made by him, should said Cooper prefer it to compensation: *Provided,* that said commissioners, from the funds of said section, shall pay the costs of the said ejectment from said section.

Further duty and
authority.

Proviso.

Sec. 3. *And be it further enacted,* That in case of disagreement between said Cooper and said commissioners, either as to the amount of his compensation for said improvements, or the restoration of his said contract, the same shall be left to the arbitration of John Orr, Uriah Sherrell, Abbingtion Simpson, Thomas Dutton and William McDonald, or a majority of them, be and they are hereby appointed a committee of arbitrators, to settle the amount due said Cooper.

Disagreement
how settled.

Approved, Feb. 25, 1848.

[No. 347.]

AN ACT

For the relief of Haywood H. Hunter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor of the State of Alabama, be, and he is hereby authorized to issue a patent to Haywood H. Hunter, for fraction nine, of section sixteen, township nineteen, range two, east.

Title may be
made.

Approved, March 3, 1848.

[No. 348.]

AN ACT

For the relief of Samuel Hollingsworth.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the rites of matrimony heretofore solemnized between Samuel Hollingsworth and Anna Jones, in the county of Jefferson, be, and the same is hereby legalized and made valid in law; any law to the contrary notwithstanding.

Marriage legal
ized.

Approved, Feb. 10, 1848.

[No. 349.]

AN ACT

For the relief of Erasmus T. Heath, late tax collector of Chambers county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of Public Accounts for the State of Alabama be, and he is hereby authorized to remit all damages due against the said Erasmus T. Heath, late tax collector of Chambers county: *Provided*, that nothing herein contained, shall authorize the Comptroller to remit any part of principal, interest or cost, due by said Heath, tax collector as aforesaid.

Sec. 2. *And be it further enacted*, That the Comptroller of Public Accounts shall not make any remission of damages, until the principal, interest and cost is all paid.

Approved, March 3, 1848.

[No. 350.]

AN ACT

For the relief of William P. Newell, of Randolph county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized to draw his warrant on the State Treasurer for forty-eight dollars and eighty cents in favor of William P. Newell, to be paid out of any monies in the treasury not otherwise appropriated.

Approved, March 6, 1848.

[No. 351.]

AN ACT

For the relief of George N. Wiley, of Jefferson county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized to draw his warrant on the State Treasurer for the sum of one hundred dollars, in favor of George N. Wiley of Jefferson county, for apprehending and prosecuting to conviction, at the spring term, 1847, of the circuit court of Jefferson county, Willis Hood and Alfred Wakehead, charged with the crime of horse stealing.

Approved, Feb. 23, 1848.

Damages may be remitted.

Provide:

When made.]

Allowed \$43 80.

\$100 appropriated.

[No. 352.]

AN ACT

For the relief of J. J. Drake.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Commissioners court of revenue and roads in and for the county of Perry be and they are hereby authorized to make an order upon the treasurer of said county in favor of J. J. Drake for the sum of fifty-five dollars, for compensation to the said J. J. Drake, as a constable in said county, for services rendered in arresting, guarding and delivering to the jailor one Solomon S. Horton, who was arrested on a charge for murder. Allowed \$55.

Approved, March 3, 1848.

[No. 353.]

AN ACT

For the relief of Moses Harrison, of Butler County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized and required to issue his warrant on the State Treasury, in favor of Moses Harrison, of Butler county, for the sum of one hundred dollars, to be paid out of any monies in the Treasury, not otherwise appropriated. M Harrison \$100

Sec. 2. *And be it further enacted,* That the Comptroller of Public Accounts be, and he is hereby authorized and required to issue his warrant on the State Treasurer in favor of Samuel McElrath, of Cherokee county for fifty dollars, to be paid out of any monies in the treasury not otherwise appropriated. S. McElrath \$50.

Approved, March 6, 1848.

[No. 354.]

AN ACT

For the relief of William McCullough.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, William McCullough be, and he is hereby, declared a liner between the counties of Montgomery and Pike, and shall hereafter be considered a citizen of the county of Montgomery, so long as he remains at his present residence; and shall be subject to all laws in relation to a citizen of Montgomery county, in the same manner as if he resided in said county. A liner between Montgomery and Pike.

Approved, March 4, 1848.

[No. 355.]

AN ACT

For the relief of William Smith, a lunatic pauper, in Franklin County.

Am't shall be set
a part by com'rs
court of Franklin
county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the judge of the County Court, and the commissioners of revenue and roads, in Franklin county, be, and they are hereby, authorized and required to set apart, for the support and maintenance of William Smith, a lunatic pauper, in said county, a sum equal to the amount paid for the support of each pauper in said county, at the poor house, which amount shall be paid out of the county treasury.

Shall be paid to
the father of lu-
natic.

Sec. 2. *And be it further enacted,* That the amount, so set aside for the support of said William Smith, shall be paid to Benjamin Smith, the father of said William, upon said Benjamin Smith giving bond, with security, payable to the judge of the County Court of said county, and his successors in office, conditioned that the amount so received shall be truly and faithfully applied and expended for the maintenance and comfort of said William Smith, and for no other purpose.

Approved, Feb. 29, 1848.

[No. 356.]

AN ACT

For the relief of R. W. Coltart and W. Wilson, of Madison County.

\$50 appropriated

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the sum of fifty dollars be, and the same is hereby, appropriated to the payment of the claims of R. W. Coltart and William Wilson, for expenses incurred by them, in going, under the directions of the Governor of this State, for the purpose of bringing one Jacob Jester, a fugitive felon, then confined in the jail in the town of Little Rock, in the State of Arkansas.

Sec. 2. *And be it further enacted,* That the State comptroller be, and he is hereby, authorized to issue a warrant on the State treasurer for the amount of fifty dollars, to be paid out of any money in the treasury not otherwise appropriated.

Approved, February 7, 1848.

[No. 357.]

AN ACT

For the relief of Thomas Kennedy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Governor of this State be, and he is hereby, authorized and empowered to issue a Patent to Thomas Kennedy, of the county of Greene, for the north west quarter of the north west quarter, and the north east quarter of the south west quarter of section sixteen, township twenty-two, range one, east: *Provided*, the said Thomas Kennedy shall produce the certificates of purchase made to him by the commissioners, and the notes given for the said lands, and file them in the office of the Secretary of State. Shall have patent for land.

Approved, March 1, 1848.

[No. 358.]

AN ACT

To repeal an act to compensate the Sheriff of Sumter County, for ex-officio services.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the act entitled "an act to compensate the Sheriff of Sumter county for ex-officio services," be, and the same is hereby repealed: *Provided*, this act shall not take effect until the first Monday of August, 1849. Repeals. When to take effect.

Approved, Feb. 29, 1848.

[No. 359.]

AN ACT

For the relief of Levi Adams, of Jefferson county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Levi Adams, of the county of Jefferson, be, and he is hereby, authorized to practice medicine and surgery in this State, without first obtaining a license for that purpose, as now required by law; and that he is hereby made able and capable in law to sue for, and recover compensation for any professional services that may be rendered by him. May practice medicine and surgery.

Sec. 2. *And be it further enacted,* That the said Levi

Not liable to penalty.

Proviso.

Adams may practice the profession of medicine and surgery, without being liable to the penalties of the law, in such cases provided: *Provided*, that the said Levi Adams shall confine himself, in his practice, to the counties of Jefferson, Walker and Blount.

Approved, March 3, 1848.

[No. 360.]

AN ACT

For the relief of Seth B. Ford.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Governor be, and he is hereby, authorized to execute patents to Seth B. Ford, for the following tracts or parcels of Land, upon due proof of the payment of the purchase money for the same, to wit: the east half of the north west quarter, section sixteen, township nineteen, range ten, east, containing eighty 26-100 acres; also, the west half of the north west quarter, section sixteen, township nineteen, range ten, east, containing eighty 26-100 acres; all lying in the county of Perry, and in the district of lands sold at Cahawba.

Approved, March 3, 1848.

[No. 361.]

AN ACT

To amend an act, "entitled an act, for the relief of William Powell and others, in the purchase of sixteenth sections, approved, February 3, 1846.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the words "north west," be stricken out of the third section of the said above recited act, and the words "north east," be inserted in lieu thereof.

Approved, January 15, 1848.

[No. 362]

AN ACT

For the relief of Uriah Paulk.

Section 1. *Be it enacted by the Senate and House of Repre-*

representatives of the State of Alabama, in General Assembly convened,
That Uriah Paulk, of the county of Russell, be, and he is hereby relieved from any further prosecution on a charge of murder in killing one Anderson B. Allen, late of said county, in the year eighteen hundred and forty six, said Paulk having been three times presented to different Grand Juries of said county, for said supposed offence, at different terms of the Circuit court of said county, and the bills preferred against him having been as often ignored.

Released from
further prosecution.

Approved, Feb. 25, 1848.

[No. 363.]

AN ACT

For the relief of Samuel Crout.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the commissioner of the Bank of the State of Alabama, be, and he is hereby, authorized and required to deliver to Samuel Crout, a certificate, that the full amount of the purchase money for the northeast quarter and the east half of the south east quarter of section sixteen, in township twenty-two, and range eight, east, lying in Bibb county and State of Alabama, has been paid into said State Bank, by Samuel Crout, the assignee of the certificate of purchase.

Duty of Com'rs
of State Bank.

Sec. 2. *And be it further enacted,* That the first section of this act, shall not take effect, until said Samuel Crout shall first tender to, and deposite with, the President of the Bank of the State of Alabama, a certain note made by Daniel Dobbins, principal, and Washington Dobbins and Benjamin Little as securities, payable to the President and Directors of the Bank of the State of Alabama, for the sum of one hundred and thirty-five dollars and forty cents, dated the 15th day of August, 1837, and due one year after the date thereof, drawing interest at the rate of six per cent.

S. Crout required
to do certain
things.

Sec. 3. *And be it further enacted,* That all laws, heretofore passed, repugnant to the provisions of this act, be, and the same are hereby repealed.

Repeals.

Approved, Feb. 26, 1848.

[No. 364.]

AN ACT

For the relief of Major Goldsmith.

Sec. 1. *Be it enacted by the Senate and House of Represen-*

Act extended &
applied.

tatives of the State of Alabama in General Assembly convened, That the provisions of an act, entitled "an act for the relief of William L. Yancey and Daniel Sayre," passed on the thirty-first day of January, A. D., eighteen hundred and forty six, be, and the same is hereby, extended to Major Goldsmith, of the county of Pickens.

Released from
certain penalties.

Sec. 2. *And be it further enacted,* That the said Major Goldsmith, shall not, in any manner, be liable to the pains and penalties prescribed in sections eleven and twelve, chapter three, of the penal code, for any act or thing which may have been done by the said Major Goldsmith, prior to the first day of January, A. D., eighteen hundred and forty seven; and that in all cases where it may be necessary for the said Major Goldsmith to take and subscribe the oaths prescribed by law, against duelling, the same shall be administered in reference to time, from the date last above specified.

Approved, Feb 29, 1848.

[No. 365.]

AN ACT

For the relief of John H. Gee, Tax Collector of Sumter county.

Allowed till 1st
May, 1848, to
make collections
& settlement.

Proviso.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That John H. Gee, tax collector of Sumter county, for the year eighteen hundred and forty seven, be, and he is hereby, allowed until the first of May next, to complete the collection of the State and county taxes of said county, and to make final settlement and payment thereof; *Provided,* that the securities of the said John H. Gee, give their assent thereto in writing, to be filed in the office of the clerk of the County court of said county; any law or usage to the contrary, notwithstanding.

Approved, March 1, 1848.

[No. 366.]

AN ACT

For the relief of John M. Hendrix and A. J. Copeland, of the county of Cherokee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Commissioners court of roads and revenue, for

the county of Cherokee, be, and they are hereby, authorized and empowered to make John M. Hendrix and A. J. Copland, late commissioner of the town of Jefferson in said county, such allowances as may be shown to be equitable and just, for services rendered by them as commissioners aforesaid, and such as they would have been entitled to, had they, the said John M. Hendrix and A. J. Copland, made application in time as prescribed by law.

Approved, March 1, 1848.

Com'r's court of Cherokee county may make allowance.

[No. 367.]

AN ACT

For the benefit of George M. Hubbert.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the assistant commissioner of the Bank of the State of Alabama at Tuscaloosa, be, and he is authorized and directed, to refund to George M. Hubbert of Fayette county, the sum of one hundred and twelve dollars and fifty cents, the amount which has been paid to said bank by said Hubbert, for part of the sixteenth section of township fourteen, range twelve, west, in Fayette county.

\$112 50 shall be refunded.

Sec. 2. *Be it further enacted,* That before said Hubbert shall be authorized to receive the sum of money mentioned in the first section of this act, he shall make it satisfactorily appear to said commissioner, that he has paid the said sum to said bank, and shall also make it appear that the inhabitants of the township have rescinded the sale of said land.

Condition upon which it shall be paid.

Approved, Feb. 29, 1848.

[No. 368.]

AN ACT

For the relief of Mary Sitton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That, on the application of Mary Sitton, wife of Phillip Sitton, of Walker county, and by the assent of said Phillip Sitton, from and after the passage of this act, the said Mary Sitton, be, and she is hereby, authorized to have and to hold all the property now in her possession, or by gift, purchase or inheritance, any property, real or

Made capable of receiving and holding.

personal, free from the hindrance, molestation or authority of her said husband, and may perform all acts which a feme sole may of right do and perform; she may dispose by will, gift or sale, of all or any part of property in her possession, or acquired by her from and after the passage of this act, and the same shall in no wise be subject to the debts, liabilities or contracts of her said husband; but she may sue and be sued in her own name, and shall be subject to all the liabilities of a feme sole, as aforesaid: *Provided*, that any transfer of property whether by gift, purchase or through the intervention of trustees, between the husband and wife, shall be invalid and of no effect.

Sec 2. *And be it further enacted*, That the said Mary Sitton, may, and she is hereby, authorized to hold in like manner, free from the debts of her said husband, all and any property she may hereafter accumulate by her own care, skill and industry.

Approved, January 5, 1848.

[No. 369.]

AN ACT

For the appointment of Commissioners of the sixteenth section, in township sixteen and range twenty-six, lying within the counties of Macon and Russell.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Thacker B. Howard, Hartwell B. Green, and Thomas G. Frasier, be, and they are hereby, appointed Commissioners for the sixteenth section in township sixteen, of range twenty-six, in the counties of Macon and Russell, with full powers to act in accordance with the laws governing sixteenth sections in this State.

Sec. 2. *And be it further enacted*, That the court composed of the Judge of the County court and the commissioners of revenue and roads of Russell county, shall have power to fill all vacancies which may occur of the commissioners of said township.

Approved, March 2, 1848.

[No. 370.]

AN ACT

For the relief of Mary H. Clopton.

Section 1. *Be it enacted by the Senate and House of*

Com'rs appointed.

Vacancies how filled.

Representatives of the State of Alabama, in General Assembly convened, That Mary H. Clopton, wife of Samuel Clopton, of the county of Jackson, shall hereafter have all the rights and privileges of a free dealer, with the right to make contracts and acquire and hold property free from the contracts or control of her said husband, and without being liable for the contracts or liabilities of her said husband.

Approved, Feb. 29, 1848.

[No. 371.]

AN ACT

For the relief of the commissioners of sixteenth section, township seven, and range eight, in Monroe county.

WHEREAS, on the sale of the sixteenth section, in township seven, and range eight, in Monroe county, the commissioners failed to give a certificate to the purchaser, as required by law, and also failed to insert in the notes taken the sixteenth section, for which said notes were taken, so that the notes, in themselves, do not show to what township they belong: Preamble.

Section 1. *Be it, therefore, enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the said commissioners may produce evidence before the Judge of the County Court of Monroe county, touching such sale, the notes taken therefor, and the purchaser thereof, and if such judge shall be satisfied upon such evidence, he is hereby authorized to issue a certificate, settling the date of sale, the purchaser, or purchasers, and the amount for which said sixteenth section, or the several parts thereof, sold; and such certificate shall be, to all intents and purposes, valid, and shall entitle the purchaser, or purchasers, upon full payment, to receive patents; and shall also entitle the said commissioners to draw any money due such township, for interest or otherwise.* Evidence in regard to sale of 16 h sec. to be taken.

Approved, March 3, 1848.

[No. 372.]

AN ACT

To vest in Margaret Craig certain rights and privileges therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General*

Made a free dealer.

Assembly convened, That from and after the passage of this act, it shall be lawful for Margaret Craig, the wife of Thomas S. Craig, of the county of Pickens, to take, receive and hold by purchase, gift, or inheritance, any property, either personal or real, free from the hindrance, molestation, or authority of her husband, Thomas S. Craig; and the same to dispose of by will, gift or sale; and that all property acquired by her, from and after the passage of this act, shall in no wise be subject to the debts of her said husband; and that the said Margaret Craig shall possess all the rights and privileges, and be subject to all the liabilities of a *feme sole*.

Extended to sundry other females

Sec. 2. *And be it further enacted,* That the provisions of this act are hereby extended to Sarah Elizabeth Boyd, of the county of Choctaw, wife of J. Boyd; to Eleanor Burford, wife of W. C. Burford, of the county of Jefferson; to Eleanor Hardin, wife of Peter Hardin, of the county of St. Clair; to Evelina Fitzpatrick, wife of William Fitzpatrick, of Macon county; to America Maghue, wife of William J. Maghue, of Macon county; to Elizabeth Betancourt, wife of M. Betancourt, of Mobile county; to Milly F. Daily, wife of Samuel C. Daily, of Chambers county; and to Sarah Pace, wife of Thomas Pace, of Tallapoosa county.

Approved, March 4, 1848.

[No. 373.]

AN ACT

For the relief of Martha C. Towles.

Made a free dealer

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, Martha C. Towles, wife of Toliver Towles, of the county of Madison, shall be capable in law of taking and holding, by purchase, gift, or inheritance, any property, real or personal, in the same manner, and to the same extent, that a *feme sole* may do; and the property so hereafter to be obtained shall be free from the liabilities for, or on account of the debts of her said husband.

Powers as such.

Sec. 2. *And be it further enacted,* That the said Martha C. Towles may, and shall be, allowed to hold, in like manner, free from the debts of her husband, aforesaid, all and any property which she may accumulate hereafter, by her own care and industry.

Approved, March 2, 1848.

No. 374.]

AN ACT

For the relief Christian Linington Child.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall and may be lawful for Christian Linington Child, wife of Samuel Child, of the county of Perry, and State of Alabama, to take, receive and hold any property, either real or personal, which she may hereafter receive, by purchase, gift, or inheritance, or which she may accumulate by her own care, skill and industry, free from any liability for, or on account of, the debts of her said husband, and the same to dispose of by will, gift, or sale, as fully and as effectually as a *feme sole* may do; and generally to do and perform all such acts and deeds, in reference to property, as a *feme sole* may of right do and perform: *Provided, however,* that any deed, or arrangement of any kind, in reference to property between the said husband and wife, whether by the intervention of trustees, or otherwise, shall be utterly void: *Provided,* This act shall apply to Martha Hill, wife of William M. Hill, of Pike county.

Made a free dealer.

Proviso:

Applied to Martha Hill.

Approved, March 3, 1848.

[No. 375]

AN ACT

To vest in Susannah C. Waldron and Kitsey Ann Stephens, certain rights and privileges therein named, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be lawful for Susannah C. Waldron and Kitsey Ann Stephens, of the county of Lowndes, to take, receive and hold by purchase, gift or inheritance any property, either personal or real, free from the hindrance, molestation or authority of their husbands, Charles Waldron and John Stephens, and the same to dispose of, by will, gift or sale; and that all property acquired by them, from and after the passage of this act, shall, in no wise be subject to the debts of their said husbands; and that the said Susannah C. Waldron, and Kitsey Ann Stephens shall possess all the rights and privileges, and be subject to all the liabilities of *feme solces*: *Provided,* that the said Susannah C. Waldron and Kitsey Ann Stephens shall be incapable of contracting with their said husbands either in law or in equity, through the intervention of trustees, or otherwise.

Vested with certain rights.

Sec. 2. *Be it further enacted,* That the provisions of this act be, and they are hereby extended to Eelizabeth Rikard, wife of Robert Rikard, of Franklin county.

Extended to Elizabeth Rikard.

Approved, Feb. 22, 1848.

[No. 376.]

AN ACT

To declare a certain person therein named, a *feme sole*.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,
 As M. Carpenter. That Aurelia Mary Carpenter, wife of Samuel A. Carpenter, of Baldwin county be, and she is hereby authorized to have, hold and enjoy property, hereafter acquired by her, as a *feme sole*, for her own separate use and benefit, whether the same be real or personal, over which her husband shall have no interest or control; nor shall such property, whether acquired by descent, purchase, or otherwise, by the said Aurelia Mary Carpenter, be, in any manner liable to the debts of her said husband.

Sec. 2. *And be it further enacted,* That the said Aurelia Mary Carpenter shall sue and be sued, in respect of said property, as a *feme sole*; and all contracts hereafter entered into by her, shall be considered valid and binding on her, notwithstanding her coverture; but said contract shall not bind her husband, nor shall he be liable to be sued thereon: *Provided, however,* that the said Aurelia Mary Carpenter and the said Samuel A. Carpenter, shall be incapable, in law, to contract with each other, either by the intervention of trustees or otherwise.

Approved, March 3, 1848.

[No. 377.]

AN ACT

For the relief of Obedience Ledlow.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,
 Made a feme sole That Obedience Ledlow, of Dallas county, wife of Adam Ledlow is hereby declared to be privileged to act as a *feme sole*, in making contracts, suing and being sued, and in holding real and personal estate in her own right, and selling the same, free from the future contracts and debts of her said husband, saving however the just rights of creditors in all cases.

Sec. 2. Be it further enacted, That the provisions of this act be extended to Drucilla Harris, wife of Moses Harris, of Marion county.
 Extended to D. Harris,

Sec. 3. And be it further enacted, That all the provisions of this act be and are hereby extended to Rebecca Waid McCartney wife of Joseph McCartney, of the county of Washington; and to Mahala Randles, wife of Richard S. Randles of Marshall county.
 R. W. McCartney
 Mahala Randles.

Approved, Feb. 25, 1848.

[No. 378.]

AN ACT

For the relief of Mary Brame.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Mary Brame, of the county of Perry, wife of James D. Brame, of the State of Mississippi, be, and she is hereby declared to be, privileged to act as a feme sole, in making contracts, suing and being sued, and in holding real and personal estate, in her own right, whether acquired by purchase or inheritance, and disposing of the same free from the control and future debts and contracts of her said husband, saving however, the just rights of creditors, in all cases. Made a free dealer.

Approved, Feb. 11, 1848.

[No. 379.]

AN ACT

For the relief Susan B. Gee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Susan B. Gee, wife of William H. Gee, of the county of Dallas, be, and she is hereby declared a free dealer to all intents and purposes, and entitled to have and to hold the property she may hereafter acquire by purchase, gift, inheritance or otherwise. Made a free dealer.

Sec. 2. *And be it further enacted,* That the said Susan B. Powers, Gee, shall have full power to sue and be sued, plead and be impleaded, and to exercise all rights and privileges, as if she were a feme sole, any law to the contrary notwithstanding.

Approved, Feb. 26, 1848.

[No. 380.]

AN ACT

For the relief of Sylvia Fowler, of Montgomery county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the State of Alabama hereby releases to George Shackelford, in trust for Sylvia Fowler, all claim to the estate of Oxury Fowler, deceased, any law to the contrary notwithstanding. Certain property released.

Approved, March 4, 1848.

[No. 381.]

AN ACT

For the relief of Mary Peoples, of the county of Covington.

Made a free dealer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Mary Peoples, wife of William Peoples of the county of Covington, shall be capable in law, of taking and holding by purchase, gift or inheritance any property, real or personal, in the same manner, and to the same extent, that a feme sole may do, and the property so hereafter to be acquired shall be free from any liabilities on account of any debt contracted by her said husband, after the passage of this act: *Provided*, that all the property, real and personal, now in the right and possession of the said William Peoples, is hereby made liable to the payment of all just debts which the said William Peoples may owe at the time of the passage of this act, and for no contract that he may hereafter make: *Provided*, all contracts made between the said Mary Peoples and her husband shall be void.

Extended to M. Williams.

Sec. 2. *Be it further enacted*, That the provisions of this act be, and the same are hereby extended to Martha Williams, wife of William Williams, of Franklin county.

Extended to Isabella McCormick

Sec. 3. *Be it further enacted*, That the provisions of this act be, and are hereby extended to Isabella McCormick, the wife of Daniel McCormick of Butler county.

Approved, March 6, 1848.

[No. 382.]

AN ACT

To legalize the marriage and legitimate the children of James Robertson.

Legalized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the marriage solemnized fourteen years ago, between James Robertson of St. Clair county, and Hulda Skelton, be and the same is hereby legalized and made valid; and that the issues of said marriage to-wit, five children of said Robertson and Skelton, be, and they are hereby legitimated.

Approved, Feb. 11, 1848.

[No. 383.]

AN ACT

For the relief of Bethaney Grimes, of Dale county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*

That from and after the passage of this act, Bethaney Grimes of the county of Dale, wife of Stephen Grimes, shall be capable in law of taking and holding, by purchase, gift or inheritance, any property, real or personal, in the same manner and to the same extent that a feme sole may do, and the property so hereafter to be obtained, shall be free from liability for or on account of the debts of the said husband. Made a free dealer.

Sec. 2. *And be it further enacted*, That the said Bethaney Grimes may and shall be allowed to hold in like manner, free from the debts of her husband aforesaid, all and any property which she may accumulate hereafter by her own care and industry.

Approved, March 3, 1848.

[No. 384.]

AN ACT

For the relief of Mourning Hanelson, of the county of Covington.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, Mourning Hanelson, wife of Jonathan Hanelson, of the county of Covington, be, and she is hereby, declared a free dealer, to all intents and purposes; to have and to hold the property now in possession, as well as that she may hereafter acquire by gift, inheritance or otherwise: *Provided*, that all the property now in the right or the possession of the said Jonathan Hanelson, is hereby made liable to the payment of his debts now due and owing. Made a free dealer.

Sec. 2. *And be it further enacted*, That the said Mourning Hanelson shall have power to sue and be sued, plead and be impleaded, in any court of law or equity in this State; and exercise all the rights and privileges, as if she had never been married to said Jonathan Hanelson, who is wholly incompetent to manage his affairs, on account of his insanity; any law to the contrary, notwithstanding.

Sec. 3. *And be it further enacted*, That the provisions of this act be extended to Caroline A. V. Martin, wife of Abram Martin, of the county of Montgomery. Extended to C. A. V. Martin.

Sec. 4. *And be it further enacted*, That the provisions of this bill be extended to Cecilia Foy, of Mobile county, the wife of John Foy. Extended to Cecilia Foy.

Approved, March 4, 1848.

[No. 385.]

AN ACT

For the relief of Silas Dabbs.

Sec. 1. *Be it enacted by the Senate and House of Represen-*

\$50 appropriated

tatives of the State of Alabama in General Assembly convened,
That the sum of fifty dollars, be, and the same is hereby,
appropriated to Silas Dabbs, for apprehending, conveying,
and delivering George T. Mitchell to the Jailor of Greene
County, who was charged with the crime of grand larceny,
and has since been prosecuted by Silas Dabbs, and con-
victed of the same.

Sec. 2. *And be it further enacted.* That the Comptrol-
ler of public accounts is hereby authorized to issue his
warrant on the Treasurer of the State, for the sum of fifty
dollars in favour of Silas Dabbs, to be paid out of any
money in the Treasury not otherwise appropriated.

Approved, February 11, 1848.

[No. 386.]

AN ACT

For the relief of Joyce E. Cato.

Section 1. *Be it enacted by the Senate and House of Repre-*
sentatives of the State of Alabama, in General Assembly convened,
That Joyce E. Cato be, and she is hereby declared to be, a
limer between the counties of Washington and Choctaw,
and that she is hereby declared a citizen of the county of
Washington, so long as she remains where she now resides.

Approved, March 4, 1848.

[No. 387.]

AN ACT

For the relief of Elizabeth Rickard.

Section 1. *Be it enacted by the Senate and House of Represen-*
tatives of the State of Alabama, in General Assembly convened,
That Elizabeth Rickard, wife of Robert Rickard, of the
county of Franklin, be, and she is hereby declared to be,
capable in law to receive and hold, by purchase, gift, or
inheritance, any property, real, personal or mixed; and
the same to sell or dispose of, by gift or will, free from any
control, management, or debts of her said husband, as fully
as if she were a *feme sole*: *Provided*, that no gift, sale, or
other conveyance, from husband to wife, shall be valid, or
of any force or effect whatsoever.

Approved, March 6, 1848.

Made a free den-
ser.

[No. 388.]

AN ACT

To repeal, in part, and amend, in part, an act to legalize a certain marriage therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of Mary Berry, in the first section, and fifth line of an act to legalize a certain marriage therein named, be struck out, and the name Elizabeth Tutton be inserted. Corrected.

Approved, Feb. 25, 1848.

[No. 389.]

AN ACT

To legalize the marriage of certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the rites of matrimony heretofore solemnized between William Peterson and Rhoda McQueen, and between William Lea and Louisa Boykin, of the county of Perry, be, and the same are hereby legalized and made valid; and the said Rhoda McQueen, and the said Louisa Boykin, are hereby released and forever discharged from the pains and penalties to which they may now be subject, or may be supposed to be subject, in consequence of their intermarriage with the said Peterson and Lea, respectively.

Marriage legalized between W. Peterson & Rhoda McQueen.

W. Lea and L. Boykin.

Approved, Feb. 10, 1848.

[No. 390.]

AN ACT

For the relief of Barthénia Dodson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Barthénia Dodson, of the county of Talladega, be, and she is hereby, relieved from the disabilities, and penalties, imposed by law on all persons against whom a divorce may be granted.

Relieved from certain disabilities.

Approved, March 4, 1848.

[No. 391.]

AN ACT

For the relief of Olivia Lanier.

Section 1. *Be it enacted by the Senate and House of Repre-*

Made a free dealer.

sentatives of the State of Alabama, in General Assembly convened,
That, from after the passage of this act, Olivia Lanier, wife of Henry W. Lanier, of the county of Russell, shall have all the privileges of a free dealer, within her own right, and acquire and hold property of every description, in the same manner as if she were a feme sole, free from any contract of her husband, and in no manner liable for his debts or contracts; and any property that the said Olivia may hereafter acquire, by inheritance, purchase, gift, or in any manner whatever, shall be for her sole and separate use, as if she were a feme sole.

Approved, Feb. 21, 1848.

[No. 392.]

AN ACT

For the relief of Eliza N. Randall.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*
That Eliza N. Randall, of Shelby county, wife of Dudley Randall, shall hereafter have the right to deal, to sue and be sued, as a feme sole, and that any property the said Eliza N. Randall may acquire, by purchase, gift, or inheritance, shall not be sold on account of the debts of the said Dudley Randall, her husband, or be taken by him in any manner whatever, so as to deprive her of the use and disposition thereof: *Provided*, this act shall not be construed to impair the rights of creditors previous to its passage and approval.

Made a free dealer.

Proviso.

Approved, Feb. 4, 1848.

[No. 393.]

AN ACT

Supplementary to an act entitled an act extending the Charter of a Turnpike Road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,*
That an act passed on the seventh day of January, one thousand eight hundred and thirty, establishing a turnpike road, leading from Marston Meads, in Blount county, by the nearest and best route to Ezekiel P. Wallis', at the foot of the Cumberland mountain, on the route to Ditto's Landing, entitled an act to establish a turnpike road therein mentioned, and the supplemental acts thereto, approved

Act continued in force till 1st Jan 1854.

January the 21st, 1832, and January 7th, 1835, be, and the same are hereby continued in full force from the expiration of said charter, from the tavern stand of Jacob Decker, on said road, in Blount county, to the end of said turnpike road, in Morgan county: The rights and privileges of the above acts was transferred and granted to Philip D. Clack, the proprietor of said road, and which was approved on the 31st December, 1841, be, and the same shall expire on the 1st day of January, 1854.

Approved, Feb. 29, 1848.

[No. 394.]

AN ACT

To authorize N. B. Powell, of Macon County, to erect gates over a certain road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That N. B. Powell, of Macon county, be authorized to erect a gate across the road leading from Cubahatchee to the Union Springs, in Macon county, at any point where said road runs over said N. B. Powell's land: *Provided,* that gate shall not be constructed as to prevent travelling, and that no toll be charged for passing through the same.

Approved, March 4, 1848.

[No. 395.]

AN ACT

To authorize John Low Jr. to erect a gate across a road in Sumter County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That with the consent of the commissioners of roads and revenue of Sumter county, John Low, Jr. be, and he is hereby authorized to erect a gate across the public road leading from Hay's ferry to Sumterville, he being required to keep said gate in such order that it may be opened and shut without inconvenience or delay to those passing the same.

Approved, Feb. 29, 1848.

[No. 396.]

AN ACT

To authorize Frederick Ross, of the county of Benton, to erect a dam across the Tallapoosa river on his own land.

Section 1, *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Frederick Ross be and he is hereby authorized to erect a dam and such other water works as are necessary to the propelling of machinery across the Tallapoosa river, in township sixteen, range ten, east, and section twenty, on his own land, on both banks of said river, in the county of Benton, any law, usage or custom to the contrary notwithstanding.

Approved, Feb. 25, 1848.

[No. 397.]

AN ACT

To authorize John Irwin to erect two gates across a public road in Lowndes county.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened. That John Irwin be, and he is hereby authorized to erect two gates, at convenient points, across the Pike road, in Lowndes county, on the sixteenth section of township thirteen, range sixteen: *Provided*, said gates are made light, and hung with iron hinges, and are so constructed that any person can with convenience open and pass through the same, without dismounting: *And provided further*, that said gates shall be kept in good repair, by the said Irwin, and that no toll shall be charged for passing through the same.

Approved, Feb. 25, 1848.

[No. 398.]

AN ACT

To change the name of Phfabray Nevels, to Phfabray Clarke, and declaring her one of the heirs of Charles Clarke, and for other purposes.

WHEREAS, Phfabray Nevels, of the county of Lauderdale, desires to have her name changed to Phfabray Clarke: And, whereas, Charles Clarke of the county of Lauderdale, has signified his desire to make the said Phfabray as one of his children; therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the name of Phfabray Nevels, be, and the same is hereby changed to Phfabray Clarke.

How gates shall be constructed.

Preamble.

Name changed.

Sec. 2. *And be it further enacted*, That the said Phfabray Nev. Made legal heir
els be henceforth considered as one of the children of the said of C. Clarke.
Charles Clarke, capable of inheriting from him to all intents and
purposes, as fully as other children.

Sec. 3. *And be it further enacted*, That the name of James
M. Dawson of Jackson county be and the same is herereby chang-
ed to James M. Kash, by which name he shall hereafter to all
legal purposes be called and known.

Approved, Feb. 25, 1848.

[No. 399.]

AN ACT

To change the name of a certain person therein named.

Section 1. *Be it enacted by the Senate and House of Represen-
tatives of the State of Alabama, in General Assembly convened*,
That the name of John Thomas Collins, of the county of
Mobile, be, and the same is hereby, changed to that of
John Thomas Hunt.

Approved, Jan. 15, 1848.

[No. 400.]

AN ACT

To change the name of Ann Tilman.

Section 1. *Be it enacted by the Senate and House of
Representatives of the State of Alabama, in General As-
sembly convened*, That the name of Miss Ann Tilman,
foster child of John and Rebecca White, of Barbour county,
be, and the same is hereby changed to that of Ann Rebeca
White, by which last name she shall hereafter be known.

Approved, Feb. 8, 1848.

[No. 401.]

AN ACT

To establish the name of Andrew Jackson Ingle, of Wal-
ker county.

Sec. 1. *Be it enacted by the Senate and House of Repre-
sentatives of the State of Alabama in General Assembly convened*,
That the name of Andrew Jackson Ingle, of Walker coun-
ty, be, and the same is hereby, permanently established by
law; any law to the contrary notwithstanding.

Approved, February 29, 1848.

[No. 402.]

AN ACT

To change the names of certain persons therein named,
and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the names of William and James Hanks, adopted children of Obediah Mayfield, shall be changed to William and James Mayfield, and that said William and James, or the survivor, shall be deemed the legal heirs of said Obediah Mayfield, and entitled to inherit his estate, should he die intestate.

Names changed
and made legal
heirs.

Approved, Feb. 26, 1848.

[No. 403.]

AN ACT

To change the name of Washington Key Smith, and for
other purposes.

Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That from and after the passage of this act, the name of Washington Key Smith, of the county of Shelby, be, and the same is hereby, changed to that of Washington Key Rushing.

Name changed.

Sec. 2. *And be it further enacted.* That the said Washington Key Smith be, and he is hereby made, a legal heir of Bryant Rushing, of the county aforesaid, and that he be entitled to all the rights and privileges of a lawfully begotten child of said Rushing, and be capable of taking, by inheritance, or otherwise, any property, real or personal, which may descend to him as such heir.

Made legitimate
heirs of B. Rush-
ing.

Approved, Feb. 18, 1848.

[No. 404.]

AN ACT

Making appropriations for the payment of certain claims
against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the several sums of money hereinafter mentioned, be, and the same are hereby, appro-

Appropriations
made.

applied to the payment of the several persons hereinafter named, out of any moneys in the treasury, not otherwise appropriated.

To James Clements, jailor of St. Clair county, for feeding State prisoners, and other purposes, thirty-one dollars and five cents. Jas Clements. ✓

To William McCarty, jailor of Jefferson county, for feeding State prisoners, and other purposes, three hundred and sixty-six dollars and eighty cents. Wm. McCarty.

To Joseph Gill, late sheriff of Jefferson county, for feeding State prisoners, and other purposes, forty eight dollars and eighty cents. Joseph Gill. ✓

To A. P. Calloway, sheriff of Lawrence county, for purposes named in account, twelve dollars. A. P. Calloway. ✓

To H. J. Cates, jailor of Bibb county, for feeding State prisoner, ninety-two dollars and twenty five cents. H. J. Cates.

To Joseph Allen, sheriff of Walker county, for feeding State prisoners, twenty-seven dollars and seventeen cents. Joseph Allen.

To A. Jones, sheriff of Dallas county, for feeding State prisoners, five hundred and thirteen dollars and twenty cents. A. Jones.

To Moore and Upson, jailors of Perry county, for feeding State prisoners, thirty-nine dollars. Moore & Upson. ✓

To A. P. Galloway, sheriff of Lawrence county, for feeding prisoners, four hundred and seventy-nine dollars and sixty cents. A. P. Galloway. ✓

To John A. Moore, jailor of Perry county, for feeding prisoners, one hundred and thirty-five dollars. J. A. Moore. ✓

To Young Mann, jailor of Henry county, for feeding prisoners, three hundred and twenty-seven dollars and eighty cents. Young Mann.

To Lewis Cunningham, sheriff of Cherokee county, for feeding prisoners, twenty-seven dollars. L. Cunningham.

To William Kirkland, sheriff of Sumter county, for feeding prisoners, one hundred and forty-four dollars and fifty cents. Wm. Kirkland.

To Job M. Williams, sheriff of Perry county, for feeding prisoners, one hundred and eight dollars. J. M. Williams.

To William O. Winston, solicitor of the fifth judicial circuit, for prosecuting three negroes to conviction, thirty dollars. W. O. Winston.

To William Stringfellow, jailor of Coosa county, for feeding State prisoners, sixty-four dollars. W. Stringfellow.

To Robert T. White, jailor of Barbour county, for feeding State prisoners, five hundred and seventeen dollars and sixty cents. R. T. White. ✓

To George W. Brewer, jailor of Sumter county, for feeding State prisoners, three hundred and one dollars and twenty-five cents. G. W. Brewer.

- I. Hutchinson. To Isaac Hutcheson, jailor of DeKalb county, for feeding prisoners, fifty-five dollars and twenty cents.
- ✓ W. H. Cobb. To W. H. Cobb, jailor of St. Clair county, for feeding prisoners, twenty-four dollars and forty cents.
- J. A. Clements. To James A. Clements, jailor of St. Clair county, for feeding prisoners, six dollars.
- D. W. Staples. To David W. Staples, jailor of Marshall county, for purposes named in account, eighty-six dollars.
- ✓ N. F. Sparks. To Nathan F. Sparks, jailor of Tallapoosa county, for feeding prisoners, thirty-four dollars and fifty cents.
- ✓ C. Bancroft. To Charles Bancroft, late jailor of Mobile county, three thousand two hundred and nineteen dollars and twenty-five cents, for boarding State prisoners.
- C. Abercrombie. To Charles Abercrombie, sheriff of Macon county, for feeding prisoners, forty-five dollars and sixty cents.
- J. L. Thompson. To John L. Thompson, jailor of Lowndes county, for feeding prisoners, seven hundred and forty-nine dollars.
- J. F. Connally. To J. F. Connally, sheriff of Dallas county, for feeding prisoners, two hundred and thirty-nine dollars.
- A. Murphree. To A. Murphree, late sheriff of Blount county, for feeding prisoners, forty-five dollars.
- ✓ J. M. Morrow. To James M. Morrow, jailor of Fayette county, for feeding prisoners, one hundred and sixteen dollars.
- ✓ S. S. Houston. To S. S. Houston, jailor of Washington county, for feeding prisoners, one hundred and fifty-four dollars.
- ✓ W. Williams. To Williamson Williams, sheriff of Butler county, for feeding prisoners, one hundred and three dollars and sixty cents.
- H. Olcott. To H. Olcott, for articles furnished the House of Representatives, two dollars and ninety cents.
- Geo. Huggins. To George Huggins, sheriff of Mobile county, for feeding prisoners, one thousand three hundred and thirty-three dollars.
- H. P. Caffey. To Hugh P. Caffey, late jailor of Montgomery county, for feeding prisoners, eleven hundred and sixty-one dollars and eighty-five cents.
- John Owens. To John Owens, sheriff of Henry county, for feeding prisoners, one hundred and sixty-two dollars and eighty cents.
- P. B. Waters. To P. B. Waters, sheriff of Butler county, for feeding prisoners, seventy-five dollars and twenty cents.
- ✓ S. Washburn. To S. Washburn, jailor of Tallapoosa county, for feeding prisoners, seven hundred and forty-three dollars and ninety-five cents.
- Milas Rea. To Milas Rea, jailor of Marion county, for feeding prisoners, twenty-four dollars.
- John P. Nicola. To John P. Nicola, jailor of Covington county, for feeding prisoners, twenty-eight dollars and eighty cents.

To W. J. Greene, jailor of Jackson county, for feeding prisoners, two hundred and thirteen dollars and twenty cents. W. J. Greene.

To W. P. Spinks, sheriff of Washington county, for feeding prisoners, eighteen dollars. W. P. Spinks.

To M. A. Baldwin, solicitor for the eighth judicial circuit, for prosecuting two negroes to conviction, twenty dollars. M. A. Baldwin.

To James Savage, jailor of Clarke county, for feeding prisoners, six hundred and nineteen dollars and twenty cents. J. Savage.

To Dixon Hestle, jailor of Monroe county, for feeding prisoners, three hundred and twenty-two dollars and five cents. D. Hestle. ✓

To H. D. Morrow, jailor of Morgan county, for feeding prisoners, seventy-eight dollars and forty cents. H. D. Morrow.

To John Turner, jailor of Henry county, for feeding prisoners, forty-eight dollars and forty cents. John Turner.

To John F. Cowan, sheriff of Jackson county, for making congressional returns, nine dollars and fifty cents. J. F. Cowan.

To Philip D. Swink, late jailor of Jackson county, for feeding prisoners, forty dollars and forty cents. P. D. Swink.

To John Owens, late Sheriff of Henry county, for feeding prisoners, twenty-seven dollars and fifty cents. John Owens.

To Wiley Sanders, jailor of Talladega county, for feeding prisoners, one hundred and thirty-nine dollars and sixty cents. W. Sanders. ✓

To Richard C. Mason, jailor of Morgan county, for feeding prisoners, three hundred and eighty dollars and eighty cents. R. C. Mason. ✓

To Benjamin F. Horton, for arresting and prosecuting William Seigler, twenty-five dollars. B. F. Horton.

To Clarke Bobo, jailor of Franklin county, for feeding prisoners, three hundred and fifty-three dollars and twenty cents. Clarke Bobo.

To William Stringfellow, jailor of Coosa county, for feeding prisoners, one hundred and eighty-nine dollars and forty cents. W. Stringfellow.

James P. Stow, for putting zinc around the fire-places in the Capitol, the sum of nine dollars and fifty cents. J. P. Stow.

John Powell, for chairs, tables, and desk, the sum of fifty-two dollars and fifty cents. J. Powell.

To Evington F. Griffin, for removing prisoner from the jail of Chambers county to Tallapoosa county, the sum of ten dollars. E. F. Griffin.

William Garrett, for taking care of the Capitol and public furniture, at Tuscaloosa, for the years 1846 and 1847, the sum of one hundred and twenty-five dollars. W. Garrett.

- P. Woodson. Philip Woodson, for printing during the years 1846 and 1847, the sum of thirty-four dollars.
- H. Olcott. H. Olcott, for ink, paper and quills, the sum of four dollars and twenty-six cents.
- J. H. Weaver. To James H. Weaver, jailor of Madison county, the sum of twenty dollars and forty cents, for feeding State prisoners confined in said jail.
- H. W. Farley. H. W. Farley, for sundry articles furnished the State, the sum of thirty-eight dollars and ninety cents.
- E. G. Hodges. Elias G. Hodges, for three days going to, and returning from Troy, in Pike county, to compare the vote for Congressional election, the sum of nine dollars and twenty five cents.
- James Fountain. James Fountain, for pullies and ropes for the Senate Chamber, the sum of four dollars.
- G. D. Parcell. George D. Parcell, for one mahogany table and desk, for the Secretary's office, the sum of eighteen dollars.
- W. Jennings. William Jennings, Jailor of Tuscaloosa county, for feeding State prisoners confined in said jail, the sum of forty-five dollars and sixty cents.
- B. F. Roper. B. F. Roper, Jailor of Pickens county, for feeding State prisoners, the sum of two hundred and thirty-six dollars and forty cents.
- P. Anderson. To Peter Anderson, sheriff of Jefferson county, for feeding State prisoners, the sum of sixteen dollars and sixteen cents.
- C. D. Kavanaugh. C. D. Kavanaugh, Sheriff of Madison county, the sum of ten dollars.
- W. Stricklin. To Willis Stricklin, Jailor of Conecuh county, for feeding State prisoners, the sum of one hundred and ninety eight dollars and twenty-five cents.
- A. Williams. To Austin Williams, treasurer of Barbour county, for the use of the county, four hundred and ninety three dollars and sixty cents, part of the sum paid by said county, to R. T. White, jailor, for feeding State prisoners in the years 1844 and 1845.
- R. Taylor. To Richard Taylor, jailor of Chambers county, for feeding prisoners, two hundred and twenty seven dollars and twenty cents.
- D. Hopkins. To Deveneaux Hopkins, late sheriff of Sumpter county, for feeding and conveying State prisoners to prison, one hundred and thirteen dollars and fifty cents.
- J. S. Clarke. To Joseph S. Clarke, jailor of Madison county, for feeding prisoners, seven hundred and sixty eight dollars.
- W. P. Pettis. To Winston P. Pettis, sheriff of Lauderdale county, for feeding prisoners and making Congressional returns, three hundred and thirty six dollars and thirty cents.
- D. W. Staples. To David W. Staples, jailor of Marshall county, for

feeding prisoners, six hundred and fifteen dollars and fifteen cents.

To Alexander McKinney, jailor of Limestone county, for feeding prisoners, thirty dollars and eighty cents. A McKinney.

To Berry Carter, jailor of Talladega county, for feeding prisoners, four hundred and twenty seven dollars. B Carter.

To Wade L. Hampton, jailor of DeKalb county, for feeding prisoners, two hundred and forty three dollars. W L Hampton.

To Joel F. McLendon, sheriff of Henry county, for feeding prisoners, thirty five dollars. J F McLendon.

To Leroy Driver, jailor of Chambers county, for feeding prisoners, one hundred and nineteen dollars and thirty five cents. L Driver.

To Joseph Johnson, sheriff of Tallapoosa county, for conveying prisoners to Macon jail, sixty one dollars. J Johnson. ✓

To Aaron Haynes, jailor of Benton county, for feeding prisoners, one hundred and fifty three dollars and twenty cents. A Haynes.

To William J. Willis, sheriff of Benton county, for feeding prisoners, sixty six dollars and sixty cents. W J Willis.

To Weeks Pippin, sheriff of Henry county, for feeding prisoners, thirty two dollars. W Pippin.

To J. H. Moore, sheriff of Marshall county, for feeding prisoners, fifty dollars. J H Moore.

To Andrew W. McCollum, sheriff of Franklin county, for feeding prisoners, one hundred and forty seven dollars and seventy cents. A W McCollum.

To Allen Frazer, sheriff of Pike county, for feeding prisoners, three hundred and sixty two dollars and fifty cents. A Frazer.

To John Collins, sheriff of St. Clair county, for feeding prisoners, thirty five dollars and forty one cents. J Collins. ✓

To G. M. Neal, jailor of Fayette county, for feeding prisoners, twenty eight dollars and forty cents. G M Neal.

To Alexander L. McKinney, jailor of Limestone county, for feeding prisoners, thirty three dollars. A L McKinney.

To William Owen, jailor of Randolph county, for feeding prisoners, ninety one dollars and sixty two cents. W Owen.

To John P. West, jailor of Shelby county, for feeding prisoners, sixty dollars and forty three cents. J P West.

To S. D. Burton, for taking care of State Capitol, seventy nine dollars. S D Burton.

To John W. Hayes, jailor of Bibb county, for feeding prisoners, twenty one dollars. J W Hayes. ✓

To H. J. Cates, jailor of Bibb county, for feeding prisoners, two hundred and sixteen dollars and eighty five cents. H J Cates.

To William F. Wade, jailor of Macon county, for feeding prisoners, four hundred and ninety two dollars. W F Wade.

To Henry A. McGee, sheriff of Lawrence county, for H A McGee.

for feeding prisoners, two hundred and seventy three dollars and sixty cents.

B Williams

To Buckner Williams, sheriff of Barbour county, for conveying prisoners to Pike county, nine dollars.

Young Mann.

To Young Mann, sheriff of Henry county, for feeding prisoners, thirty five dollars and ten cents.

J Owens

To John Owens, sheriff of Henry county, for feeding prisoners, seventy two dollars and seventy cents.

O Williams

To Osborn Williams, jailor of Barbour county, for feeding prisoners, eight hundred and ninety eight dollars.

J L Ramey

To James L. Ramey, jailor of Limestone county, for feeding prisoners, thirty seven dollars and twenty cents.

Bates & Hooper

To Bates & Hooper, editors of the Alabama Journal at Montgomery, for public printing, as per contract, with the Secretary of State, sixty dollars.

L H Dickinson

To L. H. Dickinson, of Montgomery, for furniture furnished the State Capitol, since the meeting of the Legislature, one hundred and nine dollars and fifty cents.

✓ F B Burton

To T. B. Burton, for window frames for illuminating the Capitol, on the 8th of January, 1848, one hundred and two dollars and seventy five cents.

Bardwell & Robinson

To Bardwell and Robinson, for making doors for the galleries of the Senate and House of Representatives, in the State Capitol, forty two dollars.

W Seay

To Woodson Seay, jailor of Talledega county, for feeding prisoners, fifty five dollars and sixty cents.

J Fountain

To James Fountain, for work done on the Capitol, ten dollars and twenty five cents.

C C Langdon

To C. C. Langdon, of Mobile, for public printing, fifty two dollars.

P B Waters

To P. B. Waters, sheriff of Butler county, for feeding prisoners and other purposes, thirty seven dollars and ninety cents.

R & R Williams

To R. & R. Williams, of Montgomery, for articles furnished for the use of the two houses of the General Assembly, at this session, sixty dollars and forty cents.

H W Farley

To H. W. Farley, of Montgomery, for articles furnished the two houses, at this session, sixty seven dollars and ninety four cents.

L Owen

To Lewis Owen, of Montgomery, for two lamps for the Capitol, five dollars.

C Linn

To Charles Linn, of Montgomery, for articles furnished the Capitol, four dollars and thirteen cents.

J R Rodgers

To John R. Rodgers, of Montgomery, for articles furnished the Capitol, two hundred and thirty seven dollars.

M M Bonham

To M. M. Bonham, jailor of Wilcox county, for feeding prisoners, one hundred and ninety two dollars and twenty cents.

To James L. Shuffield, administrator of Burgiss Mc J L Shuffield
Gaba, deceased, jailor of Marshall county, for feeding
prisoners, one hundred and forty seven dollars and twenty
cents.

To Samuel G. Portis, sheriff of Monroe county, for ser- S G Portis
vices rendered the State, sixty eight dollars and forty-five
cents.

To Reuben Estes, sheriff of DeKalb county, for making R. Estes.
Congressional returns, twelve dollars.

To Moore & Knight, for glazing done in the Capitol, six Moore & Knight
dollars and twenty three cents.

To Moses McGuire, sheriff of Tuscaloosa county, for M McGuire
feeding prisoners and other purposes, forty three dollars and
eighty two cents.

Also, eight dollars and ninety five cents to John C. Mar- J C Martin
tin, of Lowndes county, for conveying a states prisoner to the
county jail of Lowndes county.

Also, to Swan Skelton, clerk of the Circuit court of Tus- S Skelton
caloosa county, ten dollars.

Approved, March 1, 1848.

[No. 405.]

AN ACT

For the relief of James H. Owen, and others:

Section 1. *Be it enacted by the Senate and House of Repre-*
sentatives of the State of Alabama, in General Assembly convened,
That the Comptroller of public accounts be authorized to draw his Appropriations.
warrant on the State Treasurer for the following sums of money made to
to be paid to James H. Owen, for the following purposes, viz: J H Owen
four dollars for illuminating the State Capitol, on the 8th of Jan-
uary 1848; four dollars for collecting stationary; seventy-six dol-
lars and sixty six cents, for servant hire for the use of the House
of Representatives; thirteen dollars and twelve cents for one hun-
dred and five barrels of water, furnished for the use of the same;
eight dollars and sixty-three cents, for candlesticks and brooms
furnished for the same.

Sec. 2. *And be it further enacted,* That the Comptroller, be,
and he is hereby authorized to draw his warrant on the Treasury McCormick &
in favor of M'Cormick and Walshe for printing programmes of the Walshe
Inaugural and funeral of the Hon. P. S. Glover, for the sum of
twenty dollars—and also for the Montgomery band for performan-
ces on different occasions for the sum of twenty dollars, to be paid
out of any money in the Treasury not otherwise appropriated.

Sec. 3. *Be it further enacted,* That the sum of ten dollars W O Baldwin
and forty cents be appropriated to William O. Baldwin, for board of
servant while he was in the employ of the House of Representa-
tives.

Sec. 4: *Be it further enacted*, That hereafter it shall be the duty of the Secretary of State at least thirty days before the meeting of each session of the General Assembly, to contract at the lowest practicable price, for the hire of the requisite number of servants to wait upon the two houses during the session—also in like manner to contract for all the fuel, lights, and all other things necessary for the session—and shall upon the meeting of General Assembly, report all such contracts to the Committees on accounts and claims in the two Houses.

Approved, March 6, 1848.

[No. 406.]

AN ACT

Making appropriations to pay certain claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the following sums of money be, and the same are hereby appropriated to the payment of the following persons:

Appropriations
made to

J R Rodgers

To John R. Rodgers, for one barrel of sperm oil for the use of the Capitol, forty-nine dollars and fifty cents.

E J Donnell

To E. J. Donnell, of Montgomery, for crape and domestics furnished the Legislature for funeral badges on the occasion of the burial of P. S. Glover, sixty-nine dollars and ninety-eight cents.

E Rawlins

To Edward Rawlins, for twenty-three days services rendered in the comptroller's office for the joint examining committee, ninety-two dollars.

G Burch

To Girard Burch, Jailor of Russell county, for feeding State Prisoners, the sum of sixty-four dollars and forty cents.

N Becker

To N. Becker of Montgomery county for locks and keys, and hardware furnished the Capitol, seven dollars and fifty cents.

Moore & Knight

To Moore and Knight of Montgomery, for numbering thirty seven doors in the State Capitol four dollars and sixty-two and one half cents.

Wm Garrett

To William Garrett, Secretary of State for servant hire and other purposes, sixty-nine dollars and forty-five cents.

L W O'Neal

To L. W. O'Neal, Jailor of Tuskaloosa county, for feeding State prisoners, four hundred and three dollars and twenty cents.

W O Baldwin

To William O. Baldwin, of Montgomery, for hire of servant to wait on the State Capitol, fifty-two dollars.

Wm Clement

To William Clement of Perry county, for apprehending and restoring to jail a fugitive from justice, fifteen dollars.

T M Mosely

To Thomas M Mosely, Sheriff of Madison county, for executing a negro, Ben, ten dollars.

F M Kirksey

To Foster M. Kirksey, Sheriff of Greene county, for feeding State prisoners, three hundred and twenty dollars and sixty-five cents.

J Chestney

To James Chestney the sum of five dollars.

H Dickinson

To L. H. Dickinson the sum of thirteen dollars.

- To C. Darling the sum of twenty-five dollars. C Darling
- To B. Mott, the sum of two dollars. B Mott
- To R. Murphey thirty-nine dollars. R Murphey
- To Fleming Freeman, one hundred and fifty seven dollars and fifty cents. F Freeman
- Moore and Knight, three dollars and twenty five cents. Moore & Knight
- To A. R. Thomas, for servant hire and board, one hundred and twenty dollars. A R Thomas
- To Thomas L. Brothers. for wood, fifty dollars. T L Brothers
- To William Garrett, for the extra work for bringing up the laws and Journals, and for superintending the printing of the same, one hundred dollars. Wm Garrett
- To William Garrett, for board of servant while in the employ of the Legislature, twelve dollars. Wm Garrett
- To the Amateur Band. for making music for the Inauguration of the Governor, ten dollars. Amatuer Band
- To William Burks, Sheriff of Marengo county, for feeding State prisoners in 1846 and 7, one hundred and thirty five dollars. Wm Burks
- To F. M. Kirksey Sheriff of Green county, for feeding State prisoners in 1846 and 7, two hundred and eleven dollars and fifty five cents. F M Kirkse
- To N. B. Sesacur sheriff of Marengo county, for the board of John Greene, a convict sent to the Penitentiary, and for the board of Daniel Gibson, convicted of pettit larceny, the sum of one hundred and eight dollars. N B Sesacur
- To John Evans, of Limestone county, the sum of ten dollars for apprehending a slave charged with murder. John Evans
- To H. L. Dickerson twenty-five dollars for furniture furnished the State Capitol. H L Dickinson
- To T. B. Barton, forty dollars, for making a part of ninety four frames for illuminating the capitol. T B Burton
- To M. Delk, for victualing Isaac R. Mordicai, confined in the jail of Fayette county, fifteen dollars. M Delk
- Sec. 2. *And be it further enacted*, That the Comptroller be, and he is hereby authorized and required to draw his warrant upon the Treasurer for the sum of fourteen dollars, in favor of William Dunaway, of St. Clair county, for apprehending and prosecuting James Jones, charged with murdering his wife. W Dunaway
- Sec. 3. *And be it further enacted*, That the Comptroller be, and he is hereby authorized and required to draw his warrant on the Treasury in favor of each person named in the first section of this act, for the respective amounts therein allowed, to be paid out of any monies in the treasury not otherwise appropriated.
- Approved, March 6, 1848.

[No. 407]

AN ACT

Making appropriations to certain persons therein named.

Section 1. *Be it enacted by the Senate and House of*

Appropriations to

P D Swink

W J Greene

Representatives of the State of Alabama, in General Assembly convened, That the Comptroller of public accounts, be, and he is hereby, required to issue his warrant on the State Treasurer, in favor of the following named persons, for the amounts hereinafter specified, to be paid out of any money in the treasury, not otherwise appropriated, to-wit: In favor of Phillip D. Swink, former jailor of Jackson county, the sum of eight dollars, for feeding John Myers; and, also, in favor of William J. Greene, the sum of one hundred and twenty seven dollars and twenty cents, for feeding John Myers, in the county jail of Jackson county.

Approved, March 4, 1848.

[No. 408.]

AN ACT

For the relief of D. W. Staples and J. L. Sheffield,
Adm'r, &c.

Appropriations to

D W Staples

J L Sheffield

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of public accounts, be, and he is hereby, directed to draw his warrant on the State Treasurer, for the following sums of money, in favor of the following persons, to-wit: David W. Staples, jailor of Marshall county, for keeping John G. Smith, Johnson A. Parish, Jefferson Young, and John Gideon, State prisoners for the sum of eighty seven dollars and forty cents; and in favor of James L. Sheffield, administrator of Burgess McGaha, deceased, who, in his lifetime, was Jailor of Marshall county, for keeping John G. Smith, State prisoner, for the sum of ninety dollars and forty cents.

Approved, March. 4, 1848.

[No. 409.]

AN ACT

For the relief of A. R. Dennison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of public accounts, be, and he is hereby, authorized to draw his warrant upon the State Treasurer, in favor of Alexis R. Den-

nison, for two hundred and fifty eight dollars and fifty six cents, to be paid out of any monies in the Treasury, not otherwise appropriated.

Approved, March 6, 1848.

[No. 410.]

AN ACT

Making appropriations for certain persons therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Joel Riggs, P. O. Harper and Wesley Mellard, be allowed the sum of twenty five dollars each, and that H. P. Watson and S. A. Hale, be allowed the sum of one hundred and twenty eight dollars, each, for their services in the Comptrollers office, in preparing the report on the subject of taxation, in obedience to the order of the House of Representatives; and that the further sum of ninety six dollars be allowed to S. A. Hale, for his services as clerk to the committee of Ways and Means, during the present session of the General Assembly.

Appropriations to
J Riggs, P O
Harper, and W
Mellard, H. P.
Watson and S A
Hale,

Sec. 2. *And be it further enacted,* That the Comptroller of public accounts, be, and he is hereby, authorized to draw his warrants on the Treasury, in favor of the said Riggs, Harper, Mellard, Watson, and Hale, for the sums herein appropriated, to be paid out of any money in the treasury not otherwise appropriated.

Approved, March 26, 1848.

[No. 411.]

AN ACT

To compensate George B. Nuckolls.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of public accounts, be, and he is hereby, required to issue his warrant upon the State treasurer, in favor of George B. Nuckolls of Macon county, for the sum of one hundred dollars, to be paid out of any money in the Treasury, not otherwise appropriated, for arresting and conveying before a justice of the peace, for commitment, James Story, Lindsey Thornton, and Solomon Thornton, fugitives from justice, charged with the murder of William S. Yancy, in the county of Macon.

\$100 appropriated.

Approved, March 6, 1848.

[No. 412.]

AN ACT

To compensate Joseph N. Savery, for certain services.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That the sum of fifty dollars be, and the same is hereby, appropriated to Joseph N. Savery, for services rendered as a special messenger, under the appointment of the committee on Privileges and Elections, in the matter of the contested Senatorial election, from the county of Talladega; and the Comptroller of public accounts is hereby required to issue his warrant for the same.

Approved, Feb. 25, 1848.

[No. 413.]

AN ACT

To authorize the State Comptroller to pay Seth P. Storrs, for services rendered the State.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That, from and after the passage of this act, the State Treasurer be, and he is hereby, authorized and required to pay to Seth P. Storrs, out of any moneys in the treasury not otherwise appropriated, the sum of three hundred and seventy five dollars, for seventy five days service, rendered in examining the accounts and vouchers of the wardens of the Penitentiary, under executive appointment, made in pursuance of a joint resolution of the General Assembly; and that the Comptroller of public accounts draw his warrant on the Treasurer for the same.

Approved, March 3, 1848.

[No. 414.]

AN ACT

To make an appropriation for a certain purpose therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That the sum of two hundred and forty dollars and twenty five cents, be, and the same is hereby, appropriated to the payment of Thomas L. Brothers, for wood furnished for the use of the State Capitol; and that the Comptroller be au-

\$50

\$375

thorized to draw his warrant on the State treasurer, for the said sum of two hundred and forty dollars and twenty five cents, in favor of said Thomas L. Brothers.

Approved, March 1, 1848.

[No. 415.]

AN ACT

To authorize the State Treasurer to pay the account of Levi Shackelford, for certain services.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the State Treasurer be, and he is \$1,670 25 appropriated hereby, authorized to pay Levi Shackelford, jailor of Montgomery county, the sum of sixteen hundred and seventy dollars and twenty-five cents, in payment of his account against the State, out of any moneys in the treasury not otherwise appropriated.

Approved, Feb. 29, 1848.

[No. 416.]

AN ACT

For the preservation of the State Capitol, and the grounds belonging to the same.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the sum of one thousand dollars be, and the same is hereby, appropriated from the seat of \$1,000 appropriated government fund, or from any other money in the treasury not otherwise appropriated, for the making of such repairs, additions and improvements upon the State Capitol, and the grounds belonging to the same, as the Secretary of State may consider proper and expedient, not exceeding the sum hereby appropriated; which may be drawn from the treasury by warrant from the Comptroller, in favor of the Secretary of State, upon the order of the Governor.

Sec. 2. *And be it further enacted,* That it is hereby made the duty of the Secretary of State to superintend the expenditure of the appropriation, as provided for in the first section of this act, and report to the next legislature the application thereof: *Provided,* that no contract to an amount exceeding one hundred dollars, shall be made, until public notice shall have been given, and that the contract for the work shall be given to the lowest bidder:

Duty of Secretary of State.

Proviso.

Proviso

Provided, further, that no part of the sum hereby appropriated shall be expended toward the completion of any work yet remaining to be done upon or about the capitol, according to the act of the last session in reference thereto.

Approved, Feb. 25, 1848.

[No. 417.]

AN ACT

To authorize the Treasurer of Montgomery County to pay James M. Newman a certain sum of money.

May allow \$203

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Treasurer of the county of Montgomery be, and he is hereby, authorized to pay to James M. Newman the sum of two hundred and three dollars, for moneys expended by him for medical aid, and other attentions, given to Jesse Robertson, heretofore a State prisoner under his care and in his custody.

Approved, March 6, 1848.

[No. 418.]

AN ACT

Making certain appropriations therein named.

J. M. Newman,
\$100.J. Shackelford,
\$98 75.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby, authorized to draw a warrant upon the State Treasurer, in favor of James M. Newman, for one hundred dollars, and in favor of Levi Shackelford, for ninety-eight dollars and seventy-five cents, for keeping State prisoners; said sums to be paid out of any moneys in the treasury, no otherwise appropriated.

Approved, March 6, 1848.

[No. 419.]

AN ACT

Making appropriations towards raising troops, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the sum of five thousand dollars be, and the same is

hereby, appropriated, out of any funds in the treasury not heretofore appropriated, to the purpose of raising, completing, and forwarding to Mobile, the battalion of Infantry called for by the Secretary of War of the United States from the Governor of the State of Alabama, in April last. \$5,000 appro'ted

Sec. 2. *And be it further enacted*, That said sum of five thousand dollars, hereby appropriated, be placed under the control, and subject to the warrant, of the Governor of the State of Alabama, to be by him employed, if necessary, in carrying out the objects expressed in the first section of this bill; and for raising and forwarding to proper places of rendezvous any other troops which may hereafter be required of him by the Government of the United States. Under the control and subject to the warrant of the Governor.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Governor to report to the next session of the Legislature, how, and for what objects, he shall have expended said sum of five thousand dollars, hereby appropriated, or such portion thereof as he shall so expend. Gov. shall report to next session.

Sec. 4. *And be it further enacted*, That all expenditures heretofore ordered by the Governor, for the purpose of completing the quota of Alabama, required by order of the President, be, and the same is hereby, approved and legalized. Former expenditures.

Approved, Dec. 27, 1847.

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JOINT RESOLUTIONS & MEMORIALS.

JOINT RESOLUTIONS—No. 1.

Proposing certain amendments to the Constitution of the State of Alabama.

Sec. 1. Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the following amendments be and the same are hereby proposed to the Constitution of the State of Alabama:

"Strike out the ninth section of the third article of the constitution" and in lieu thereof insert the following:

"Sec. 9. The General Assembly shall cause an enumeration to be made in the year eighteen hundred and fifty and eighteen hundred and fifty five, and every ten years thereafter, of all the white inhabitants of the State, and the whole number of representatives shall at the first regular session after such enumeration be apportioned among the several counties, cities or towns entitled to separate representation, according to their respective number of white inhabitants, and the said apportionment, when made, shall not be subject to alteration until after the next census shall be taken—the number of Representatives shall not exceed one hundred, and the number of Senators shall not exceed thirty-three; yet each county, notwithstanding it may not have a number of white inhabitants equal to the ratio fixed, shall have one representative."

Strike out the thirteenth section of the third article of the constitution, and insert in lieu thereof the following:

Sec. 13. Senators shall be chosen for the term of four years: Yet at the general election after every new apportionment, elections shall be held anew in every senatorial district, and the Senators then elected when convened at the first session thereafter, shall be divided by lot into two classes as nearly equal as may be. The seats of those of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years, dating in both cases from the day of election, so that one half may be biennially chosen, except as above provided.

Sec. 2. Be it further resolved, That the sheriffs and other officers holding elections on the first Monday in August eighteen hundred and forty-nine, shall ask of each voter as he deposits his ballot, are you in favor of "Resolutions Number one," for amending the constitution, and shall register his vote according to his answer, and make due returns thereof: *Provided,* that each voter may endorse on his ticket "For Resolutions Number one," or "Against Resolutions Number one," of all of which said sheriff or other officer shall make due return to the Secretary of State according to the constitution, and within thirty days after the election.

Approved, March 6, 1848.

JOINT RESOLUTIONS—No. 2,

Proposing amendments to the Constitution.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the following amendments to the Constitution of the State of Alabama be proposed to the people of said State, and that if a majority of all the people voting for representatives at the next general election thereof, shall vote in favor of the election of Judges of the Circuit Courts, and also of the Judges of the inferior Courts, by the people, and the next General Assembly shall ratify the same according to the constitution, then the proposed amendment hereinafter set forth shall be valid to all intents and purposes, as part of the Constitution: But if a majority of all the people voting as aforesaid for representatives, shall vote for the election of Judges of the Circuit Courts by the people, and the next General Assembly shall ratify the same according to the constitution, and a majority of such voters for representatives shall not vote in favor of the election of Judges of the inferior courts by the people, or the same shall not be ratified, as aforesaid; then the said proposed amendment, with the exception of, and without the following part therein, to wit: *“and for the election of Judges of the Courts of Probate, and other inferior courts, (not including Chancellors,) by the qualified electors of the counties, cities or districts for which such courts may be respectively established,”* shall be valid, to all intents and purposes, as part of the Constitution. And if a majority of all the voters, aforesaid, for representatives shall vote for the election of Judges of the Inferior Courts by the people, and the same shall be ratified, as aforesaid, and a majority of said voters shall not vote for the election by the people, of the Judges of the Circuit Courts, or the same shall not be ratified, as aforesaid, then the amendment hereinafter set forth, with the exception of and without the following part of it, to wit: *“for the elections of the Judges of the Circuit Courts by the qualified electors of their circuits, respectively, and”* shall be valid, to all intents and purposes, as part of said Constitution: that is to say, at the end of the twelfth section of the fifth article of the Constitution, add—But at and after the session of the General Assembly to be held in the winter of the years eighteen hundred and forty nine—fifty—the General Assembly shall provide by law for the elections of Judges of the Circuit Courts by the qualified electors of their circuits, respectively, and for the elections of Judges of the Courts of Probate, and other inferior Courts, (not including Chancellors) by the qualified electors of the counties, cities or districts for which such courts may be respectively established. The first Monday in November, in any year, shall be the day for the election of such judges by the people; or such other day, not to be within a less period than two months of the general election for Governor, members of the General Assembly, or members of Congress, as the General Assembly may by law prescribe; but no change to be made in any circuit or district, or in the mode or time of

electing, shall affect the right of any judge to hold office during the term prescribed by the Constitution; except at the first elections thereof, to be made by the people, after the ratification of these amendments, or either of them; which elections shall then all be had on the same day throughout the State; and the terms of the judges then to be elected, shall commence on that day. Vacancies in the offices of judge shall be filled by the Governor, and the persons appointed thereto by him shall hold office until the next first Monday in November, or other election day of judges, and until the election and qualification of their successors respectively. And the General Assembly shall have power to annex to the offices of any of the Judges of the inferior Courts, the duties of Clerks of such Courts, respectively.

Be it further resolved, That it shall be the duty of the Sheriffs, and other officers charged by law with the superintendence of the next general election for representatives, to be held on the first Monday in August, in the year 1849, to ask each voter for representatives, as he hands in his ticket—1st, *Are you in favor of the election of Circuit Court Judges by the people?* and to endorse his answer upon his ticket, if in favor thereof, thus,—*Circuit Judges, yea*; or if against, thus,—*Circuit Judges, nay*: and to ask the voter—2d, *Are you in favor of the election of Judges of the inferior Courts by the people?* and to endorse his answer, if in favor thereof, thus,—*Judges of the inferior Courts, yea*; or if against, thus,—*Judges of the inferior Courts, nay*. And the several Sheriffs, and other returning officers, shall make their returns, respectively, of the vote upon the said proposed amendments, and each of them, within thirty days after said election, to the Secretary of State; who shall communicate them to the Speaker of the House of Representatives, within the first week of the next session of the General Assembly. And for a failure to perform the duties herein prescribed, the said sheriff, or other officer, shall forfeit the sum of five hundred dollars, to be sued for and recovered as in other cases of forfeiture by public officers, to the State. And it is hereby made the duty of the Secretary of State, within sixty days after the next general election, aforesaid, to notify the solicitors, respectively, of such failure of the sheriffs, or other officers. *And be it further resolved*, that the Secretary of State be required to cause these resolutions to be published, for three months next before the said general election, in one newspaper printed in each of the following places, to wit: Mobile, Montgomery, Tuskaloosa, and Huntsville.

A JOINT RESOLUTION

To refund a certain sum of money to James H. Owen.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Comptroller of

Public Accounts be required to draw his warrant on the State Treasurer, for the sum of ten dollars and twenty-five cents, in favor of James H. Owen, to refund him moneys expended in repairing the State Capitol, after the late storm.

Approved, March 6, 1848.

JOINT RESOLUTIONS

For the relief of James McWright, William Oakley and Robert Parker, securities of Kinney Morrison, Tax Collector of Bibb county.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the above named persons, securities of Kinney Morrison, Tax Collector of Bibb county, be, and they are hereby, allowed until the first day of December next, to make final settlement for any moneys due as securities of said tax collector: Provided, they all sign, and file in the office of the Comptroller, an assent to said extension, they paying interest on all moneys withheld by said extension.

Approved, March 6, 1848.

JOINT RESOLUTIONS

In relation to attorneys and agents of the State Bank and Branches.

Sec. 1. Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the assistant commissioners at the State Bank, and the several Branches thereof, be required to lay before the General Assembly a statement showing the amount of moneys collected by each bank attorney, agent, or other person who may have been in the employment of said bank, or either of said branches; also, showing each debt which may have been in the hands of such attorney, agent, or other person; what disposition has been made of such debt, and what compensation has been given to such attorney, agent, or other person so employed, since the first day of February, 1846.

Approved, March 6, 1848.

JOINT RESOLUTION

Providing for the compensation of the Assistant Clerks for the House of Representatives.

Resolved by the Senate and House of Representatives of the State

of Alabama, in General Assembly convened, That the two assistants, who have been, and are now employed, by the clerk of the House of Representatives, be allowed four dollars a day, each, for their services, from the date of the commencement of said services, and while they shall be continued: Provided, that it shall be shown to the satisfaction of the Speaker of the House, that said services were necessary and duly rendered: and, provided, also, that in no event, shall the said assistants receive pay for the same services under two separate resolutions: and, provided, further, that the Secretary of the Senate, and the Clerk of the House of Representatives, shall not, hereafter, employ any assistant without the direction of their respective Houses, expressed by resolution: Provided, no such allowance shall be made for any such services, previous to the 8th January for one clerk, and the 22d January last, for the other.

Approved, February 25, 1848.

JOINT RESOLUTIONS

To sanction the divorce of Susannah B. Beasly, from her husband, Charles S. Beasly, and George W. Uptain, from his wife, Tabitha Uptain.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, two thirds of both Houses thereof, concurring, That the decree of the Chancery court, for the ninth district of the Southern division of this State, at the November term thereof, 1845, to divorce Susannah B. Beasly, from her husband, Charles S. Beasly, be, and the same is hereby, in all things sanctioned.

That the decree of the Chancery court, for the forty first district of the Northern division of said State, at the August term, thereof, 1847, to divorce George W. Uptain, from his wife, Tabitha Uptain, be, and the same is hereby, in all things sanctioned.

Approved, March 4, 1848.

JOINT RESOLUTIONS

In relation to the War between the United States and Mexico:

The Government of the United States, being engaged in a war with Mexico, the Legislature of Alabama, consider it due to the importance of the occasion, fully and frankly, to express their opinions on the subject of the war.

1. *Be it, therefore, resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened. That*

we cordially and warmly approve of the measures adopted by the Government of the United States, for the vigorous and efficient prosecution of the war, with a view to obtain a speedy and lasting peace.

2. *Be it further resolved*, That, as Mexico has refused, and still refuses, to treat with the United States, upon fair and honorable terms, and thereby put a stop to the effusion of blood, and the other great evils incident to a state of war, it is the duty of the Government of the United States, to prosecute the war, until Mexico sues for peace, or until she is entirely subjugated.

3. *Be it further resolved*, That, while we disclaim any wish to subjugate Mexico, with a view to our own national aggrandizement, or to deprive her, unjustly, of any portion of her territory, we can never, so far, undervalue the patriotic blood that has been shed, and the treasure expended, as not to insist upon full and ample indemnity for the expenses of the war, as well as the amount she has so long, unjustly, withheld from our citizens.

4. *Be it further resolved*, That, in our opinion, the war, on the part of the United States, was just in its inception, and the mode of its prosecution is approved and sanctioned by this General Assembly.

5. *Be it further resolved*, That the Government of Mexico, having failed to pay the instalments due to our citizens, on account of lawless spoliations upon our commerce—having failed to adjust other similar claims, equally just—having improperly interfered in the annexation of Texas to this Union—having refused to recognize a boundary between Texas and her territories—having arrogantly and insultingly rejected the arbitrament of peace; and having appealed to the sword to decide the differences between the two countries, must now abide by the fiat of the stern arbiter to which she has appealed; and that while we desire a speedy and honorable peace, and seek not to blot out the existence of Mexico, as a nation, we shall insist upon the establishment of such a boundary, between the two countries, as will preserve the integrity of the State of Texas, and will give to us ample indemnity for the past, and security for the future.

JOINT RESOLUTION

Authorizing John A. Winston to draw and appropriate the pay due the Hon. Philip S. Glover, deceased.

Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That John A. Winston be, and he is hereby authorized to draw for, and receive, whatever pay may be due the Hon. P. S. Glover, late a member of the House of Representatives, from the county of Sumter, and apply so much of it as may be necessary to discharge his board and physician's bill due in this city.

Approved, March 2, 1848.

A JOINT RESOLUTION

Requesting the Governor to have prepared a Stand of Colors, to be presented, in the name of the State, to the Alabama Battalion, on the eve of leaving for the Mexican war.

Resolved, with the concurrence of the House of Representatives, That the Governor be, and he is hereby, requested to have prepared a stand of colors, to be presented, in behalf of the State, to the Alabama Battalion, now on the eve of leaving to participate in the war with Mexico; and that the Governor be requested to communicate to the commander of the Alabama Battalion the high sense of regard in which this Legislature holds the patriotism of those who compose the said battalion.

Approved, January 1, 1848.

 JOINT RESOLUTIONS

To authorize E. T. Gore, late Tax Collector of Pickens county, to withdraw from the Treasury an amount overpaid by him.

WHEREAS, Ezekiel T. Gore, late a tax collector for the county of Pickens, on due allowance in his settlement for taxes, for the year 1845, is found to have paid into the the treasury the sum of forty-five dollars and ninety-eight cents, over and above what was due by him to the State; Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Comptroller of Public Accounts be, and he is hereby, required to draw his warrant on the Treasurer in favor of E. T. Gore, for the sum of forty-five dollars and ninety-eight cents, to be paid out of any money in the treasury not otherwise appropriated.

Approved, February 11, 1848.

 JOINT RESOLUTIONS

In relation to the Post Office Laws.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Senators in the Congress of the United States from this State be instructed, and the Representatives be requested, to use their best exertions to obtain an immediate repeal, or modification, of the Post Office Law, which requires that on all printed documents and papers the postage shall be prepaid;

at least, so far as to exempt newspapers, and documents printed by the order of either House of the Legislature of any State, from the operation of said law.

Resolved, That the foregoing resolution be forwarded, by the Governor of the State, to the Senators and Representatives of Alabama in the Congress of the United States.

Approved, Dec. 17, 1847.

JOINT RESOLUTIONS

In reference to the Wilmot proviso, and certain acts of the non-slaveholding States.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Government of the United States is the result of a compact between equal confederated sovereignties; and that the Constitution having been chiefly designed, so far as it concerns the relations of those States with one another, to "*form a more perfect union, establish justice,*" and "*insure domestic tranquility,*" did not confer on that Government any authority to abolish, or in any way render insecure, the institution of Slavery in any of said States, or to deprive any citizen thereof of his property, whatever it might be, except for "*public use*" and upon making "*just compensation*" therefor: And that, moreover, in order the better to effect the objects designed, as aforesaid, the said Constitution expressly provided and enjoined, that—"*No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.*"

Sec. 2. *Be it further resolved*, That the recent act of the State of Pennsylvania, designed to prevent citizens of the slaveholding States from recovering their fugitive slaves, escaping into Pennsylvania, is, therefore, not only in violation of the comity and friendship which should subsist between associated States, but also a direct and palpable violation of the Constitution of the United States.

Sec. 3. *Be it further resolved*, That the Territory of the United States does not (like the territories of the States, respectively,) belong to a sovereignty separate from the State of Alabama, but is the common ground of all the United States; each one of which send senators and representatives, and participates in the election of a President, to constitute the Federal Government: That this Government has no other powers than those which are delegated to it by the Constitution; which, in this regard, authorizes Congress "*to dispose of and make all needful rules and regulations respecting the territory, or other property of the United States;*" but does not authorize it to deprive,

or to empower others to deprive, a citizen of any of the said States of his property, whatever it may be, in any such territory, except for "*public use*," and upon making "*just compensation*" therefor: That if it be the duty of the Federal Government to protect such property from seizure or confiscation upon the ocean, which is common to all nations, much stronger is the duty to afford that protection in territory which is the common ground of all the States; and that any act of the said Government to prevent citizens of slaveholding States from going into such territory with their slaves, or from holding them there as such, would be destructive of the equal rights of the citizens of such States, and subversive of the objects before recited, for which the Constitution was formed.

Sec. 4. *Be it further resolved*, That we do not admit our right to hold slaves, or whether the institution of slavery ought to exist in Alabama, to be, either of them, a debateable question: That we have seen, with sorrow and indignation, a disposition, in some of the Northern States, and of their members of Congress, to interfere therewith: That to persist in such a course must unavoidably inflame animosities already excited, and beget acts of retaliation, and finally civil convulsions; for, that the South cannot, and will not, submit to wanton aggressions upon an institution so vital to it, from those, whom a common political bond should have made our friends: And that we conjure them, as they venerate the memory of the men of the Revolution, and the Union and Constitution which they formed, not to permit that Union and Constitution—the most glorious political work of all the time past, and the most auspicious of good to future generations—to be sacrificed to a spirit, which, whatever may be its character in individual minds, is, fast becoming, in its political action, an ignorant, malignant, and usurping fanaticism.

Sec. 5. *Be it further resolved*, That the State of Alabama will act in concert, and make common cause, with the other slaveholding States, for the defence, in any manner that may be necessary, of the institution, aforesaid, which is peculiar and common to them and us.

Sec. 6. *Be it further resolved*, That, as one of the means of protecting the institutions of the South, we will support no man for the Presidency or Vice Presidency, who is not opposed to the principles of the Wilmot Proviso, and whose known political opinions do not give assurance that he will exercise the powers of his office to protect and maintain the constitutional rights of the slaveholders; nor will we, in this crisis, support any one for the Presidency, or Vice Presidency, who is in favor of the acquisition of only such territory as is not adapted to the institution of slavery.

Sec. 7. *Resolved*, That the Governor of this State be requested to transmit copies of the foregoing resolutions to our Senators and Representatives in Congress, and the Governors of the several States and Territories in the Union, with the request that they be laid before their respective Legislatures.

JOINT RESOLUTIONS.

For the benefit of the Dallas Academy.

WHEREAS, it is deemed necessary to the prosperity of "the Dallas Academy," located in the town of Selma, to engraft upon its present course of studies the military science, which will prove of great service, not only to said academy, but to the State at large, in preparing young men for the direction of the militia in case of necessity; and whereas, said academy, is deficient in the kind of arms best adapted to the military training of its pupils.

Be it therefore Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Trustees of the Dallas Academy, be, and they are hereby authorized to apply to the Secretary of War for such description of arms (muskets) as in their opinion said Academy may require, in lieu of the muskets apportioned and furnished to the State of Alabama, on condition that they shall give bond to the Governor and his successors in office, for the safe keeping and final return of said arms.

Approved, March 3, 1848.

A JOINT RESOLUTION

To sanction the decree to divorce Montfort S. Street from his wife Eliza Ann Street.

Be it resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, two thirds of both Houses thereof concurring, That the decree of the Chancery Court for the twenty-first District of the Middle Division of said State, at the February term thereof 1848, to divorce Montfort S. Street from his wife Eliza Ann Street, be, and the same is hereby in all things sanctioned.

Approved, Feb. 25, 1848.

JOINT RESOLUTIONS

To sanction the divorces of Susan Nutt from her husband Joseph E. Nutt, and Patrick Kelly from his wife Martha Ann Kelly.

Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That, two thirds of both houses thereof concurring, the decree of the Court of Chancery for the nineteenth District of the Middle Division of this State, at the special term thereof in March 1847, to divorce Susan Nutt from her husband, Joseph E. Nutt, be, and the same is hereby, in all things sanctioned. Also, that the decree of the Court of Chancery for the seventeenth District of the Middle Division of said State, at the spring term thereof 1847, to divorce Patrick Kelly from his wife Martha Ann Kelly, be, and the same is hereby, in all things sanctioned.

Approved, Feb. 25, 1848.

JOINT RESOLUTIONS

For the relief of James G. Evans.

Sec. 1. *Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That James G. Evans of the county of Perry, on the payment of the full amount of the principal, interest and costs of any debt or debts for which he may be bound to the Bank of the State of Alabama, or either of its Branches, as the security of David Chandler, late Sheriff of said county, shall be fully discharged from the payment of the five per cent per month for the defaults of said late Sheriff.

Approved, Feb. 17, 1848.

JOINT RESOLUTIONS

Requesting the Governor to have prepared a stand of colors, to be presented in the name of the State, to Captain James M. Gee's company of Mounted Volunteers, now engaged in the Mexican war.

Section 1. *Resolved, with the concurrence of the Senate,* That the Governor be, and he is hereby requested, to have prepared, a stand of colors, to be presented, in behalf of the State, to Capt. James M. Gee's company of Mounted Volunteers, now engaged in the war with Mexico; and that the Governor be requested to communicate to the commander of the Alabama Mounted Volunteers, the high sense of regard in which this Legislature holds the patriotism of those who compose the said company, and their promptness in responding to the call of their country.

Approved, Jan. 28, 1848.

A JOINT RESOLUTION

Changing the place of meeting of the Electors for President and Vice President of the United States.

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That hereafter the Electors in this State for President and Vice President of the United States, shall meet in the city of Montgomery, for the purpose of casting the vote of this State for said officers.

Approved, March 4, 1848.

JOINT RESOLUTIONS

Appointing a State Geologist.

WHEREAS, Michael Tournay, Professor of Geology, Mineralogy and Agricultural Chemistry in the University of Alabama, is required by an ordinance

of the Board of Trustees of the University, to devote a portion of his time and labor, in making Geological explorations and examining into the natural resources of the State: And, whereas, it would be both interesting and useful, to the General Assembly, and to the people, to examine the Reports which he may make from time to time, therefore:

Be it Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Michael Toumey, Professor of Geology, &c. in the University of Alabama, be, and he is hereby appointed State Geologist.

Be it further Resolved, That said State Geologist be, and he is hereby required to lay before the General Assembly of this State, at its biennial sessions and as often from time to time may be thought expedient, a full report of his Geological surveys and explorations, and his examinations into the mineral and other natural resources of the State.

Approved, Jan. 4, 1848.

JOINT RESOLUTION

In relation to the debt due by Charles S. Lucas, to the Branch Bank of the State of Alabama, at Montgomery.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the commissioner appointed to settle the affairs of the State Bank and Branches, be, and he is hereby, authorized to extend until first March, 1849, first March, 1850, and first March, 1851, the debt due by said Lucas, to the Branch Bank at Montgomery, upon the following terms: that said Lucas pay in said Bank, in thirty days, five thousand dollars: that said Lucas continue the mortgage on seventy five negroes, and seventeen hundred acres of land, (highly improved) also, the name of Henry Lucas, and such other name or names, the said commissioner may require: *Provided,* the extension herein proposed, shall not be allowed, unless in the opinion of the said commissioner, the payment of said debt at the period stated, shall be secure beyond all doubt.

Approved, March 4, 1848.

JOINT RESOLUTIONS

Providing for the preservation of Public Documents.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That, hereafter, when any paper or documents of a general character, such as messages from the Governor; reports from the different departments of State; reports from committees upon matters of public concern; reports from

Trustees of the University; reports from the Banks; memorials to Congress, and Joint Resolutions in reference to our Federal Relations, or effecting the general interest of the State, ordered to be printed by either House of this General Assembly, it shall be the duty of the State Printer, to print ten copies in addition to those required for the use of either House; which additional copies he shall deposite with the Secretary of State.

And be it further resolved, That the Secretary of State, be, and he is hereby, required to cause said printed copies to be indexed, and bound in a cheap form, to be preserved in his office, for the use of the General Assembly, and of the several Departments of the State.

Approved, January 28, 1848.

JOINT RESOLUTIONS

In relation to a portion of a certain sixteenth section therein named.

WHEREAS, it is alleged, that in pursuance of a "Joint Resolution," in relation to a part section sixteen, township seventeen, range four, east, in Marengo county, adopted by the General Assembly of the State of Alabama, and approved, February 4th, 1846, the contract of sale and purchase of the parcel of land known as the north west quarter of the aforesaid section, between the inhabitants or school commissioners of said township on one side, and John H. Ray, late of said Marengo county, deceased, on the other, was rescinded and set aside; and said parcel of land was afterwards, in pursuance of the instructions or wishes of the inhabitants of said township, expressed by their votes to that effect, at a public meeting or voting had by them therein, was afterwards sold by said commissioners to Sidney Smith, of said county: and, whereas, it has been supposed that some irregularity intervened in the proceedings relating to said rescission and re-sale: Therefore,

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the commissioners of said township, be, and they hereby are authorized, upon giving notice of the time and place, twenty days previously, by advertisements, put up in three or more public places in said township, to take the votes at some public place therein, of the free white male inhabitants thereof, over the age of twenty-one years, in the manner prescribed in the law for ascertaining the sense of the inhabitants of townships, in relation to their sixteenth sections: except that such voters shall write upon their tickets, the words, "ratify" or "not ratify," instead of "sale" or "no sale;" and if a majority of all the qualified voters of said township vote "ratify," then the rescission and resale aforesaid, to said Sydney Smith, he assenting thereto, shall be ratified and made valid, if it be not so now; and the commissioners holding such elections, shall certify the result of such voting and dispose of the votes given, in the same manner as they are instructed to do, in cases of elections in relation to sales of sixteenth sections.

Approved, March 3, 1848.

RESPONSE

Of the General Assembly of the State of Alabama to the Legislature of the State of Rhode Island and Providence Plantations, on the subject of the Tariff and the War with Mexico.

THAT the State of Alabama finds no good reason to recede from the firm and decided position which she has heretofore maintained, or the opinions which she has constantly expressed, in relation to the policy of the National Government for the protection of the capital and labor employed in domestic manufactories.

That the Tariff of 1842 was conceived, adjusted, and perfected, with a view to such protection, without regard to a just and fair consideration of the commercial policy of the United States, the powers delegated to Congress by the Constitution of the American Union; and the rights of the agricultural classes of not only the citizens of Alabama, but of others in the United States: That its repeal was called for by the enlightened spirit of the age, the demands of the federal constitution, the rights of the agricultural classes, and that it was effected by the wisdom of Congress, in the act of 1846.

That it is manifestly the duty, not only of Alabama, but of every State in the Union, to sustain the General Government in every exigency which may arise in the efforts of the federal authorities to preserve the national honor, protect our commerce, defend our territory, or maintain the rights of our citizens; and that in imposing burthens and collecting taxes, it is the duty of Congress to consult the general welfare of the Union, without reference, or favoritism for the particular interest of any State, or section of our common country.

The decision of the country, exploding the system that connected the revenue with banking institutions, and separated the funds raised for the support of the Government, was founded on the soundest political reasoning, and most just policy of the National Government; and that its reversal by Congress would be productive of the utmost discord, not only in the councils of the nation, but in the peace, harmony and good feelings of the people at large; and that any attempt at such reversal should at once be met and repudiated.

In relation to the war which Mexico waged, and which the United States is now so triumphantly prosecuting, indemnity for the past and security for the future, should be claimed and enforced, as an act of national honor and justice: That should it become necessary to receive or take from Mexico any portion of its territory for such indemnity, it should be attached to the United States, for the common use and benefit of the people of this country, untrammelled and unconnected, without any condition or restriction repugnant to the Constitution of the Federal Union, the institution of slavery in the South, or the social or political interest of any portion of the republic.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Governor of

this State be requested to forward the foregoing response to the Government of the State of Rhode Island and Providence Plantations, to the Executives of the several States in the Union, and to each of our Senators and Representatives in Congress.

RESPONSE

Of the General Assembly of the State of Alabama, to the Preamble and Resolutions of the State of Vermont, on the subject of slavery, and of the war with Mexico.

The State of Alabama deems it proper to respond in a respectful manner, to the Preamble and Resolutions of the State of Vermont. In thus responding, Alabama, as a sovereign State of the American Union, formed its opinions on the subject of slavery, at the adoption of the constitution, and the admission of the State into the Union.

This opinion has never been changed. Nor has any opinion expressed either by the citizens in their private intercourse, in their popular assemblages or General Assembly upon the subject of slavery, been changed, nor will it be retracted.

So far as the war with Mexico is concerned, we regard all honorable efforts to conclude a speedy peace with that Republic as having been made by the President of the United States.

We regard the war as one of necessity for the protection of the rights of American citizens, and which could not be avoided, without a faithless violation of their rights by the Chief Magistrate of the Nation.

This question has been settled by Congress in 1846, and whilst Alabama refuses to be fickle upon a subject of so much importance to the honor of Nations, Vermont may. Therefore,

Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That His Excellency the Governor of this State, send to the Governor of every State in this Union, a copy of the foregoing Response, as well as to our Senators and Representatives in Congress.

A JOINT MEMORIAL

To the Congress of the United States.

To the Honorable, the Senate and House of Representatives, of the United States, in Congress assembled:

The Memorial of the General Assembly of the State of Alabama, respectfully represent, that the lands authorized to be selected under the direction of the Governor of Alabama, "in lieu of, and as a full equivalent for the school section" by an act of Congress, entitled "an act to amend an act, entitled an act to carry into effect, in the States of Alabama and Mississippi, the existing compacts with those States, with regard to the five per cent fund, and the school reservations,"

approved February 20th 1845, are of little value, being located in mountaneous regions, as is shown by the reports of the commissioners, appointed by the Governor to make the selections, and other reliable authority, and assured that neither of the townships would accept the selections that might be made out of the lands in question, in line &c. as aforesaid. In remedy whereof, the General Assembly ask that remuneration be made in cash, at the rate of one dollar and twenty five cents per acre, for the lands disposed of, or in scrip, receivable in payment for public lands, at the same rate per acre.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to carry out the views contained in the foregoing Memoria; and that His Excellency, the Governor, cause copies of this Memorial to be forwarded to each of our Senators and Representatives in Congress.

JOINT MEMORIAL,

To the Congress of the United States.

Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the following Joint Memorial be transmitted by the Governor of this State, to the Senators and Representatives of this State, at Washington, to be laid before both Houses of Congress.

JOINT MEMORIAL

Of the General Assembly of the State of Alabama, to the Congress of the United States.

Your Memorialists, the Senate and House of Representatives of the State of Alabama, shew to your Honorable body, that the citizens of this State are deeply interested in a communication by rail way, between the Southern part of this State and the interior of the west, for the construction of which a company has been formed and the initiatory steps taken; that the completion of such a road would be of immense advantage to the people of both the western and southern portion of our common country, in a commercial point of view. by the facility of an interchange of commodities peculiar to the two sections of country, and in a social and political view by the rapid means of communication binding the inhabitants together by the strongest of all bonds, a community of interest.

The proposed improvement would bring the products of the West Indies among the inhabitants of the interior in a short time, and also furnish the inhabitants of the south with a certain and cheap supply of the staple commodities of the western country, composed as they are of the great supporters of human life, which in a military point of view, the proposed road would be of inconceivable importance. enabling the Government, at short notice, and at comparatively small cost, in time of war, to transport a large force, to the defence of any assailable point on the Gulf coast.

Your Memorialists would therefore respectfully ask your Honorable bodies, to set apart for the purpose, and in aid of this project, the alternate sections of unsold public lands, on the line of the route.

A great portion of this country has for a long time been in the market, and remains unsold, for want of bidders—and this road when completed, will add largely to the value of the public land, and will increase the value of the unsold and ungranted lands largely above the present value of the whole amount of land on the line of the road.

Thinking thus, your Memorialists most heartily join in the application for the grant of the land specified, as prayed for the company and by the corporate authority of the city of Mobile, and most respectfully hope that it may meet the approbation of your Honorable body.

JOINT MEMORIAL

On the subject of the Public Land and Education in the State of Alabama.

A Memorial of the General Assembly of the State of Alabama to the Congress of the United States.

The people of the State of Alabama know no method by which they can make so united an appeal to both branches of the Legislature of the National Union, than by the General Assembly.

In view, therefore, of the desires of the people of the State of Alabama, the General Assembly present to your honorable bodies, that, by your acts at the time this State was admitted into the Union, a munificent endowment was made of one section of land in every township of land, for the benevolent purpose of education; an object worthy the acts of all enlightened nations, and one peculiarly applicable to a republican form of government, where the sovereignty resides in the people.

This General Assembly alludes to another fact, that as much diversity of soil presents itself in this State as is incident to the globe, and that farther, the more wealthy, whose pecuniary abilities afford the opportunity of educating their offspring at such points as their judgment may dictate, inhabit the townships of the best soil in the State, where the sixteenth sections are most valuable; whilst those of less means are compelled, from their necessitous circumstances, to become the inhabitants of the poorer townships, in point of soil, and in many instances where the sixteenth section is either worthless, or comparatively so, and afford them little or no means for the education of their children, for the cultivation of whose minds the Government should have, in our opinion, a fostering regard.

Many thousand acres are lying waste and unoccupied in this State, which, if donated to the State, for the specific purpose of education, and equalizing the value of the sixteenth sections, and for no other purpose, would be applied by the State more profitably to that than any other object within the control of the people of the United States.

The General Assembly of the State of Alabama, therefore, presents, in the name of the people of the State, the propriety of your honorable

bodies' donating to the State, for the purpose above designated, all the unsold lands in the State, believing that a greater general good can be accomplished by such donation, than can be by any other disposition which can be made of said lands.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress be instructed, and our Representatives requested, to use their efforts to carry into effect the matter of the foregoing memorial; and that the Governor be requested to forward a copy of the foregoing to each of our Senators and Representatives in Congress.

JOINT MEMORIAL

To the Congress of the United States, on the subject of the pre-emption laws.

The memorial of the General Assembly of the State of Alabama, respectfully represents that the wise policy of the Government of the United States in relation to the public lands in the passage of the late pre-emption laws, has been owing to the extraordinary pressure of the times, and the derangement of the currency of the country during the last five or six years partially defeated, and many industrious, enterprising, meritorious citizens deprived of the means of purchasing the homes intended to be secured them by those benevolent laws.

The General Assembly further represents that owing to the causes above named as well as to the great reduction, during that period, of every article of agricultural production and of property generally, a respectable portion of the settlers on the public lands in this State, and especially in the Cherokee purchase, have been unable to realize the advantage intended to be secured to them by the several pre-emption laws. Their settlements were consequently offered for sale but owing to the great scarcity of specie funds, were not sold. They are now subject to general entry, and without the interposition of Congress it is apprehended that this meritorious class of citizens will be ousted of their possessions by another class who are ever ready to take advantage of the necessities and misfortunes of the poor but hardy and industrious pioneers of the west.

For the reasons above set forth, the General Assembly pray your honorable bodies to extend the right of pre-emption two years to the settlers above described and to those who may make settlements and file their intentions to make an entry in the land office to which they belong in a specified time.

Your memorialists would further represent that if the quantum of acres of land that is now authorized to be entered was reduced to twenty instead of forty, that in consequence of there being in many places but a very small quantity of good land, much more of the public lands would be taken up; thereby affording a revenue, whereas in the absence of such reduction, lands thus situated will be cultivated regardless of law.

Resolved therefore, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress

be instructed and our Representatives requested to use their best exertions to carry out the views contained in the foregoing preamble and resolutions and that his Excellency the Governor cause copies of this preamble and resolution to be forwarded to them.

JOINT MEMORIAL

To the Congress of the United States, in relation to public lands.

Joint Memorial of the General Assembly of the State of Alabama, to the Congress of the United States.

Your Memorialists would respectfully represent, that the grant in the act of Congress, "To enable the people of the Alabama Territory to form a Constitution and State government, and for the admission of such State into the Union," of section numbered sixteen in every township, to the inhabitants of such township for the use of Schools, has utterly failed to accomplish the noble object it had in view. A very large majority of the said sections are barren and worthless, and surrounded by lands of similar quality, which are owned by the poor class of men, who are most in need of the advantages and aid contemplated by the grant. Under the act of Congress approved the fourth of September 1841, and entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption right," the State of Alabama is entitled to one hundred thousand acres of land, belonging to the United States, within the limits of said State. Your Memorialist, the General Assembly of the State of Alabama, would respectfully ask of the Congress of the United States, to pass an act, directing the funds that may arise from a sale of the said land, to be applied to the valueless sixteenth sections for the use of Schools, instead of the *internal improvements*, as is now provided; and authorizing a location of the same, in parcels as small as forty acres, upon any public land belonging to the United States in any State or Territory, excepting such as is, or may be, reserved from sale by any law of Congress, or proclamation of the President of the United States. The public lands within this State, yet unsold, are of but little value, and an act of Congress, to the effect proposed in the Memorial, would but place Alabama upon a just and fair equality with the States which have received five hundred thousands acres of good land, and in some degree accomplish the great design of the act granting "section numbered sixteen, in every township, to the inhabitants of such township, for the use of Schools." Without some such act of Congress, a very large number of children, within Alabama, must go uneducated for want of the necessary advantages. If, however, in the selection of the one hundred thousand acres of land, to which Alabama is entitled, she be confined to public lands within her limits, we respectfully ask of Congress to pass an act, directing that the proceeds be applied to the valueless sixteenth sections, and authorizing a location in parcels as small as forty acres, and a sale thereof at a less price than one dollar and twenty-five cents per acre, if deemed by the Legislature of Alabama, advisable. Therefore,

Be it Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress be instructed, and our Representatives be requested, to use their best exertions

to carry out the views contained in the forgoing Memorial; and that his Excellency, the Governor, cause copies of this Memorial to be forwarded to each of our Senators and Representatives in Congress.

JOINT MEMORIAL.

To Congress in relation to tolls to be charged on the Muscle Shoals Canal.

To the Honorable, the Senate and House of Representatives, of the United States, in Congress assembled,

Your Memorialists respectfully represent, that the Canal, constructed around the Muscle Shoals, in the Tennessee river, in this State, is in a most lamentable state of dilapidation and decay. It was broken by the freshets of 1841, after having been in useful operation some three or four months. The embankments, in many places, have been torn away, the lock-gates are rotten and burnt down and the irons carried off; large creeks, in high water, the guard-lock-gates being destroyed, run down the channel, and must soon effect the entire destruction of the embankments; so that in a short time, there will remain scarcely a wreck of a work, which has cost about seven hundred thousand dollars.

Your Memorialists further represent that the locks on said canal, although constructed according to the plan recommended by the United States Engineer, and approved by the President, are entirely too short, being one hundred and twenty feet long, for the passage of such steam boats as may successfully navigate said river above the shoals. This State, owing to a heavy public debt, is not able to appropriate the means necessary to repair and re-construct the canal; and from past indications and future prospects, we have no reason to anticipate any aid from the General Government; and even if this State or the General Government was able and willing to appropriate means to repair said Canal, it is thought that the navigation thereof would be more certain and constant, if it were confided to the watchfulness of private enterprise. Owing to the great number of creeks, which in the winter and spring, pour their floods into the canal, it will always demand the closest vigilance and care to prevent it from being annually torn up; hence, it is thought best to entrust it to individual enterprise; and thus present, at once, a reward for vigilance, and a punishment for neglect in its management. In view, therefore, of these facts, and of the great importance of the work to the commerce of this State, and the State of Tennessee; and the fact, that in a short time the enterprising and public spirited State of Georgia, will have completed her rail road improvements to Chattahoochee, thereby emptying on the bosom of the Tennessee, a stream of trade from the north and east, that with the proper facilities in getting by the obstructions below that point, would, in a short time, swell the commerce of the Tennessee into a tide not surpassed by the trade on any of the tributaries of the Mississippi, this Legislature has passed an act, authorizing commissioners, under certain restrictions, to lease out said Canal to a private company, for a period not beyond ninety-nine years. The company are authorized by said act, (Congress first assenting,) to charge twenty dollars on each flat or keel boat passing through said Canal, and forty cents on each ton of the registered measurement of steam boats and other water crafts ascending or descending. All public property, or

persons in the employ of the General Government are exempt from toll by said act.

Your Memorialists pray that Congress may, during the present session, give its assent to the rates of toll as fixed by the act referred to, with this restriction; that the lessees shall make biennial reports to the Legislature of this State, verified by the oaths of the President and Secretary of the Company, embracing a statement of the actual investment of capital in repairs and reconstruction of said Canal, and the entire expense of keeping said Canal in repair, and attending it; also a statement of the entire amount of the tolls and income arising from the use of said Canal. And the Legislature shall reserve the power to graduate the rates of toll on said Canal, so as to prevent the net income on the entire investment of said company from exceeding twenty per cent per annum. Therefore,

Section 1. *Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That our Senators in Congress be instructed and our Representatives requested, to use their best exertions to carry out the views contained in the foregoing Memorial; and that His Excellency, the Governor, cause copies of this Memorial to be forwarded to each of our Senators and Representatives in Congress; and to forward to them jointly a copy of the act of this General Assembly, in relation to leasing said Canal.

JOINT MEMORIAL

Of the General Assembly of the State of Alabama, to the Congress of the United States.

The Joint Memorial of the General Assembly of the State of Alabama, respectfully represents to the Congress of the United States. That, of the regiment of her citizens, who volunteered for the war with Mexico in 1846, many fell victims to disease during their time of service, and found a final resting place in that foreign land, or lingered, after their discharge, only long enough to enable their relations and friends to perform the last sad rights for them at home. Of those who sacrificed their lives in the service of their country, many were poor; some with, and some without families; leaving no estates to require, or sufficiently large enough to justify administration thereon. The amount due them from the general Government in lands or money, would, also, in most instances, be consumed in costs, if administration on their estates should be attempted; so that their families and relations derive no benefit from the bounty of the Government.

Your memorialists would, therefore, pray your honorable bodies to take this subject under your favorable consideration, and pass such laws as will enable, without administration on their estates, the widows of those who have thus devoted their lives to their country, to receive the pay in money or lands which may be due to them; if their be no widow, then, that their child or children may receive it; if their be no child or

children, then their father; if their be no father, then their mother; if their be no mother, then their brothers and sisters.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly, convened, That his Excellency, the Governor, cause a copy of this memorial and resolution to be forwarded to each of our Senators and Representatives in Congress; and that our Senators be instructed, and our Representatives requested, to use their best exertions to carry the object of the foregoing memorial into effect.

A JOINT MEMORIAL

Of the State of Alabama, to the Congress of the United States.

Your Memorialists beg leave to represent to your Honorable body, that on the 8th of January, 1836, the Secretary of War, in consequence of the hostile aspect of the Creek tribe of Indians, then residing upon the eastern border of Alabama, made a requisition upon the Executive of this State, for such a force of armed men, as General Clinch might require to subdue them. For further particulars on this point, your Honorable body is respectfully referred to the 3d volume, Executive Documents, 2d session, 24th Congress, 1836-7, Doc. No. 140; which embraces in full, the correspondence of the Secretary of War, with the Governor of Alabama, upon the subject of Indian hostilities. Your memorialists further represent, that in pursuance of this call, thus made, the State of Alabama furnished about four thousand men, during the continuance of the war with said tribe of Indians; that a part of these forces assembled in great haste, to hold in check, the enemy, and before the Federal Government could furnish supplies for their maintainance; and the State was thus compelled to furnish provisions, and to defray all the other expenses, incidental to a state of war, or to disband her troops, then in the field, by the requisition of the Government of the United States. In this emergency Alabama did not hesitate to make the necessary advances to prosecute the war, and to protect her citizens from the barbarities of Indian warfare. The amount thus paid by the State, was one hundred and twelve thousand and five hundred dollars, of which sum the United States, through its accounting officers, and by a special act of Congress, placed to the credit of the State, in 1846, the sum of one hundred and eight thousand dollars. The advances of Alabama was made out of a fund, upon which the State paid, and yet continues to pay, interest; and now most respectfully ask interest upon the sum credited and allowed by the Government. In this demand, the State does not ask the payment of interest in money, but that the amount found due may be placed to the credit of the State, to meet, so far as it may go, the interest accruing semi-annually upon the bonds of Alabama, made payable to the Government of the United States, as trustee for

the Chickasaw tribe of Indians, for the sum of one million of dollars. The money thus obtained from the Government was invested by the State, in Bank stock, and it was out of the funds of the Banks of Alabama, that the said sum of one hundred and twelve thousand and five hundred dollars, was loaned to the United States; and it is a singular fact, that the State of Alabama is now paying interest to the Government upon this very fund, out of which she made said advances, and has received no interest in return. The precedents for the payment of interest by the Federal Government, upon the advances of a State or corporation, are ample; but it is only deemed necessary to refer to the case of South Carolina, where the United States paid interest to that State, on her advances, during the war of 1812, with Great Britain. This precedent is in point, and your Honorable body is most respectfully referred to it. See report of the Committee on the Military, 2d volume, Senate Documents, 1st session, 20th Congress, 1827-28, Doc. No. 54.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Governor be instructed to transmit a copy of the foregoing Memorial to each of our Senators and Representatives in Congress; and that they be requested to act forthwith upon it.

A JOINT MEMORIAL

Of the General Assembly of the State of Alabama to the Congress of the United States.

The General Assembly of the State of Alabama, respectfully requests the Congress of the United States to graduate and reduce the price of the public lands within the State of Alabama, which have been long in market and remain unsold, with a view of getting clear of the expenses of the Land Office system, and make those lands private property. There are some nineteen millions of acres of public lands within the State, which have been in market, some for twelve, some twenty, and some for thirty years, or upwards; and notwithstanding the several periods of a rise and fall of prices of products, and the great rise of lands, and speculation in them; and notwithstanding our citizens have been seized with a spirit of speculation, and have traversed the west and south west in quest of public lands; yet, so worthless are the barrens and mountains of Alabama, that but few tracts have been entered of this great waste. Congress has often been requested to graduate the prices according to the periods of time they have been in market, and has hitherto refused to grant this most reasonable and just request. If ten cents per acre had been obtained for them twenty years since, it would have been a great benefit, both to the State and General Government. The one would have had the value of the property and would have been free from the expenses of attending to it; whilst the other would have had

more independent citizens. As it is, Congress owns valueless lands, and Alabama has an uninhabited desert, instead of a meritorious, tax-paying people. Then, let your memorialist ask, why should Congress longer attempt to force up the prices of deserts and mountains? or why should Congress longer persist in asking the people as much for a bad article as for a good one? while those deserts and mountains have been surrounded by inhabitants from fifty to two hundred years, are yet not worth twenty cents per acre, and in many cases not worth half that sum, what reason is there to conclude that similar lands are worth more money in Alabama, where there are fewer inhabitants, more recently settled, and the country less healthy? Your memorialist requests that Congress may reduce the price of said lands, according to the periods of time that the several districts may have been in market, and securing rights of pre-emption to occupants, for limited periods of time, at each stage of reduction.

And be it resolved, That the Governor transmit a copy of the foregoing memorial to each of our Senators and Representatives in Congress.

A MEMORIAL

To the Senate and House of Representatives of the United States, in Congress assembled.

The General Assembly of the State of Alabama, respectfully present to the consideration of your Honorable body, That iron ore, stone coal, and other minerals of the best qualities, abound in the vicinity of the city of Tuscaloosa, and the counties immediately east and north, and with such contiguity, and other advantages of water power and timber, rarely to be equelled, as to afford one of the best, perhaps the very best, location of a foundery and armory, by the general government, in the South or West. Many examinations of the minerals of this State have been made by distinguished geologists, which fully sustain the declaration; but we particularly refer you to the published accounts, about a year past, of Professor Lyell of England, and the report of M. Tourny, Professor of Geology in the University of Alabama, about to be made to the Trustees thereof. The Gulph of Mexico can be reached in two days from Tuscaloosa by steam boats, for eight or nine months in the year. The advantages of such an establishment—to the fortifications around the Gulph—to the steamships and other vessels employed in its protection, and to the military defences of our extended western frontier, seem too apparent to justify any comment of ours; and as an examination and report by an officer of the Ordnance Department, or some other capable agent, would be the most reliable information upon which to found wise legislation, we hope your honorable body will speedily dispatch an officer to make full examination and report the advantages of such an establishment in the mineral region of this State.

Resolved, That our Senators be, and are, her by instructed, and our Representatives in Congress are requested, to bring the subject of this Memorial properly to the consideration of the General Government.

Resolved, That the Governor of this State, as soon as may be, furnish a copy of this Memorial to each of our Senators and Representatives in Congress.

ERRATA TO REVENUE LAW.

- Sec. 2--9th paragraph, 3d line—read horticultural for “horticular.”
Sec. 12—last line—read filed for “filled.”
Sec. 14—last line—read filed for “filled.”
Sec. 37—twelfth line—read “in any county of this State,” for “any county in this State.”
Sec. 42—eleventh line—read omission instead of “mission.”
Sec. 48—third line—read criteria for “criterion.”
Sec. 48—sixteenth line—read “or to which they are affixed” for “or to which affixed.”
Sec. 49—fifth line—read thereafter for “hereafter.”
Sec. 51—twenty-second line—read in value for “in valuation.”
Sec. 56—fourth line—read “all their polls” for “all polls.”
Sec. 57—seventh line—read slaves for “slave.”
Sec. 79—last word—read Treasurers for “Treasurer.”
Sec. 80—17th line—after the word “breweries” read “tanneries.”
Sec. 83—11th line—read “on every gold” &c for “one every gold” &c.
Sec. 93—sixth line—read “of the non-payment” &c. for “of non-payment,” &c.

SECRETARY OF STATE'S OFFICE,
MONTGOMERY, ALABAMA, May 5, 1848.

I have compared the foregoing Laws, Joint Resolutions and Memorials, with the original rolls deposited in this office, and certify that they are correct copies.

W. GARRETT,
Secretary of State.

TABLE

Of the Rates of Interest in the States of the Union. Compiled in pursuance of an act entitled "An act to regulate the mode of proving in courts of justice, the Rates of Interest in the States of this Union." Approved February 18, 1848.

Maine, six per cent.	New Hampshire, six per cent.
Rhode Island, six per cent.	Connecticut six per cent.
Massachusetts, six per cent.	Vermont, six per cent.
New York, seven per cent.	New Jersey, six per cent.
Pennsylvania, six per cent.	Delaware, six per cent.
Maryland, six per cent.	Virginia, six per cent.
North Carolina, six per cent.	South Carolina, seven per cent.
Tennessee, six per cent.	Kentucky, six per cent.
Ohio, six per cent.	Indiana, six per cent.
Illinois, six per cent.	Georgia, eight per cent.
Alabama, eight per cent.	Missouri, six per cent.
Arkansas, six per cent.	Michigan, six per cent.
Mississippi, eight per cent.	Florida, eight per cent.
Iowa, not known.	Wisconsin, not known.
Texas, not known.	Louisiana—Legal interest, five per cent.; Bank interest, six per cent.; Conventional interest, not to exceed ten per cent.

SECRETARY OF STATE'S OFFICE,
MONTGOMERY, ALABAMA, May 5, 1844.

Compiled and certified to be correct.

W. GARRETT,
Secretary of State.

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